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- WHO:** The Office of the Federal Register.
- WHAT:** Free public briefings (approximately 3 hours) to present:
1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
 2. The relationship between the Federal Register and Code of Federal Regulations.
 3. The important elements of typical Federal Register documents.
 4. An introduction to the finding aids of the FR/CFR system.
- WHY:** To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

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- RESERVATIONS:** Federal Information Center, 1-800-726-4995

SEATTLE, WA

- WHEN:** July 23, at 1:00 pm
WHERE: Henry M. Jackson Federal Building, North Auditorium, 915 Second Avenue, Seattle, WA
- RESERVATIONS:** Federal Information Center, 1-800-726-4995

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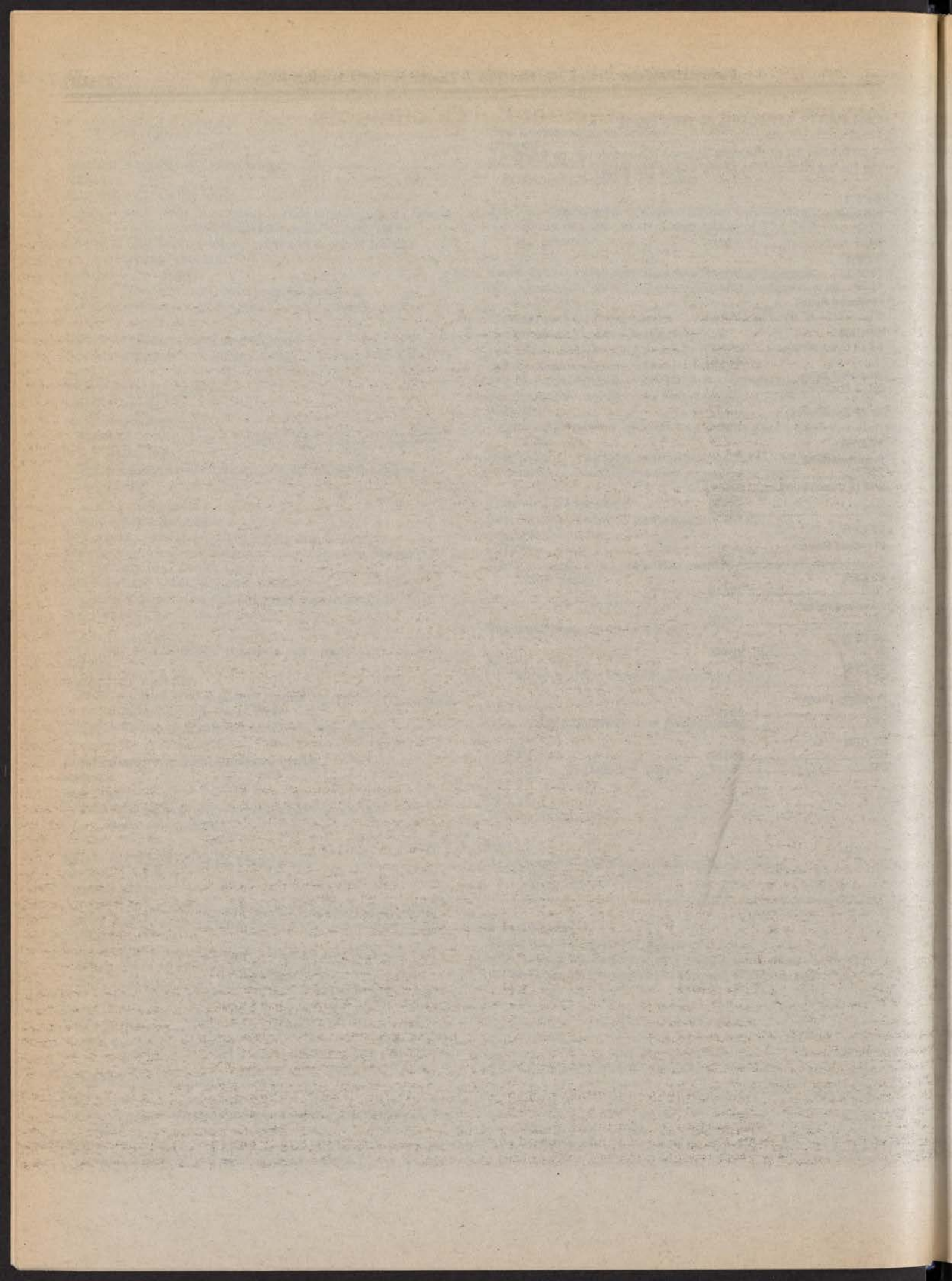
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Proclamation 6452 of June 30, 1992

The President

National Spina Bifida Awareness Month, 1992

By the President of the United States of America

A Proclamation

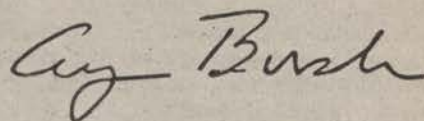
Approximately one of every 1,000 newborns in the United States is affected by spina bifida, a serious and often debilitating neurological disorder. Spina bifida occurs when a baby's spinal cord develops abnormally while he or she is still in the womb, resulting in nerve damage that can lead to muscle paralysis, loss of sensation in the lower limbs, and bowel and bladder complications. The disorder is often accompanied by hydrocephalus, an excessive and potentially dangerous accumulation of fluid within the brain. While in the past the prognosis was grim for children with spina bifida, currently some 80-90 percent of affected children survive the disorder, thanks to advances in surgery and other forms of intervention and treatment. Heartened by the progress that we have made thus far, our Nation remains firmly committed to the fight against spina bifida.

Through the National Institute of Neurological Disorders and Stroke and through the National Institute of Child Health and Human Development, the Federal Government is working to find better treatments and, ultimately, a cure for spina bifida. Government researchers have been joined in their efforts by physicians and scientists throughout the private sector and by a number of voluntary health associations. In addition to supporting basic and clinical research, many of these associations also work to promote public awareness of spina bifida while providing assistance to patients and their families. This month, we recognize all of the dedicated professionals and volunteers who are striving to overcome spina bifida, and we reaffirm our support of their efforts.

The Congress, by House Joint Resolution 470, has designated September 1992 as "National Spina Bifida Awareness Month" and has requested the President to issue a proclamation in observance of this month.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim September 1992 as National Spina Bifida Awareness Month. I encourage all Americans to observe this month with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this 30 day of June, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and sixteenth.



Rules and Regulations

Federal Register

Vol. 57, No. 128

Thursday, July 2, 1992

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1205

[CN-92-002]

Amendment to the Cotton Board Rules and Regulations

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule with request for comments.

SUMMARY: This interim final rule amends the Cotton Board Rules and Regulations so that the supplemental assessment rate is lowered from six-tenths of one percent of the value of a cotton bale or bale equivalent to five-tenths of one percent of the value of a cotton bale or bale equivalent. Beginning with the 1995-1996 marketing year, the agency intends to change the supplemental assessment rate back to six-tenths of one percent. This reduction in the supplemental assessment rate was recommended to the Department by the Cotton Board in accordance with provisions of the Cotton Research and Promotion Act.

DATES: Effective date July 31, 1992. Comments received by August 3, 1992.

ADDRESSES: Comments should be sent to Craig Shackelford, Research and Promotion Staff, Cotton Division, AMS, USDA, P. O. Box 96456, Washington, DC 20090-6456. All comments will be made available for public inspection at the office of the docket clerk during regular business hours. All comments should reference the date and page of the Federal Register publication.

FOR FURTHER INFORMATION CONTACT: Craig Shackelford (202) 720-2259.

SUPPLEMENTARY INFORMATION: This amendment to the Cotton Board Rules and Regulations has been reviewed in

accordance with Executive Order 12291 and Departmental Regulation 1512-1 and has been determined to be a non-major rule under Executive Order 12291 since it does not meet the criteria for a major regulatory action contained in that Order.

This rule has been reviewed under Executive Order 12778, Civil Justice Reform. It is not intended to have retroactive effect. This rule would not preempt any state or local laws, regulations, or policies unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under Section 12 of the Act, any person subject to an order filed with the Secretary a petition stating that the order, any provision of the plan, or any obligation imposed in connection with the order is not in accordance with the law and requesting a modification of the order or be exempted therefrom. Such person is afforded the opportunity for a hearing on the petition. After the hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the person is an inhabitant, or has his principal place of business, has jurisdiction to review the Secretary's ruling, provided a complaint is filed within 20 days from the date of the entry or the ruling.

The Administrator, Agricultural Marketing Service (AMS), has considered the economic impact of this action on small entities pursuant to the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

There are an estimated 210,000 producers and 650 collecting handlers who are presently subject to rules and regulations issued pursuant to the Cotton Research and Promotion Order. There are also an estimated 10,000 importers that would become subject to the rules and regulations. The majority of these producers, handlers and importers would be classified as small businesses under the criteria established by the Small Business Administration.

The Cotton Research and Promotion Act Amendments of 1990 enacted by Congress under subtitle G of title XIX of the Food, Agriculture, Conservation and Trade Act of 1990 on November 28, 1990, contained two provisions that authorized changes in the funding

procedures for the Cotton Research and Promotion Program. These provisions are: (1) The assessment of imported cotton and cotton products; and (2) termination of the right of producers to demand a refund of assessments. An amended Cotton Research and Promotion Order was approved by producers and importers voting in a referendum held July 17-26, 1991. Proposed rules implementing the amended Order were published in the Federal Register on December 17, 1991, 56 FR 65450.

This rule reduces the supplemental assessment rate contained in the implementing regulations from six-tenths of one percent to five-tenths of one percent. Without a reduction in the supplemental assessment rate, average assessments per bale could be expected to be \$2.60 to \$2.80. Assessments on imported cotton and cotton-containing products would be expected to generate approximately \$6.8 to \$7.3 million annually. Termination of refunds to cotton producers are expected to generate approximately \$14.6 to \$15.7 million annually. Therefore, total collections under the program could be approximately \$49.7 to \$53.5 million annually.

Based on the estimated potential increase in revenue, the Cotton Board as reevaluated the current assessment rate level with the goal of balancing future revenues with anticipated budget requirements for Cotton Research and Promotion activities. The Board voted to recommend to the Department a reduction of the supplemental assessment rate from six-tenths of one percent of the value of each cotton bale assessed, to five-tenths of one percent of the value of each cotton bale assessed for both domestic and imported cotton. The Board further recommended that the supplemental assessment rate should return to six-tenths of one percent beginning with the 1995-96 marketing year.

The agency is implementing the recommendation of the Cotton Board by reducing the supplemental assessment rate from six tenths to five tenths in this rule. Further, the agency intends to implement the recommendation of the Cotton Board by amending the Cotton Board Rules and Regulations for the 1995-96 marketing year to increase the supplemental assessment rate back to

six tenths of one percent of the value of the cotton.

The Cotton Board estimated that if implemented this reduction would result in a reduction of assessment per bale of approximately \$0.30. The Board reports that the current average per bale assessment is \$2.83. It is the view of the Board that as a result of its proposed reduction assessments would permit the Cotton Board to fund Cotton Research and Promotion activities in the range of \$46 to \$48 million annually beginning in 1993. Returning the supplemental assessment rate to six-tenths of one percent of the value of the cotton bale in the 1995-96 marketing year would allow an increase in revenues so that Cotton Research and Promotion activities could be funded at a range of \$52 to \$54 million.

Accordingly, the Administrator of the Agricultural Marketing Service has determined that this amendment will not have a significant economic impact on a substantial number of small entities.

In compliance with Office of Management and Budget (OMB) regulations (5 CFR Part 1320) which implement the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*) the information collection and recordkeeping requirements contained in this subpart have been previously approved by OMB and assigned control number 0581-0093.

Pursuant to 5 U.S.C. 553, it is found and determined upon good cause that it is impractical, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect and that good cause exists for making this rule effective on the effective date of the amendments to the Cotton Board Rules and Regulations implementing the amended Cotton Research and Promotion Order because: (1) This rule reduces the rate of supplemental assessment imposed on both domestic and imported cotton; (2) It would be disruptive, costly, and inefficient to start the new assessments on imports using the supplemental rate of six-tenths of one percent and then to reduce such rate within a short period of time; and (3) This interim final rule provides for a comment period.

Paragraph (a)(1) of § 1205.510 is amended by replacing "six-tenths" with "five-tenths" in the last sentence. The dollar per bale figures in the assessment chart in paragraph (a)(1)(ii) of § 1205.510 is revised to reflect the lower assessment rate. Paragraph (b)(1) of § 1205.510 would be amended by replacing "six-tenths" with "five-tenths" in the second sentence. The cents per kilogram figures in the Import Assessment Table in paragraph (b)(3) is

revised to reflect the lower assessment rate.

List of Subjects in 7 CFR Part 1205

Advertising, Agricultural research, Cotton, Marketing agreements, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 1205 is amended as follows.

PART 1205—COTTON RESEARCH AND PROMOTION

1. The authority citation for part 1205 continues to read as follows:

Authority: 7 U.S.C. 2101-2118.

2. Section 1205.510 "Levy of Assessments" is revised to read as follows:

§ 1205.510 Levy of assessments.

(a) *Producer assessments.* An assessment of \$1 per bale for cotton research and promotion is hereby levied on each bale of Upland cotton that is produced from cotton harvested and ginned except cotton consumed by any governmental agency from its own production. Such assessment shall be payable and collected only once on each bale.

(1) A supplemental assessment for cotton research and promotion in addition to the \$1 per bale assessment provided for in paragraph (a) of this section, is hereby levied on each bale of Upland cotton harvested and ginned except cotton consumed by any governmental agency from its own production. The supplemental assessment rate shall be levied at the rate of five-tenths of one percent of:

(i) The current value of the cotton multiplied by the number of pounds of lint cotton or;

(ii) The current value of the cotton converted to a fixed amount per bale as reflected in the following assessment chart:

ASSESSMENT CHART ¹

Current value (cents per pound)	Supplemental Assessment, dollars per bale
.00 to 9.99	0.15
10.00 to 19.99	.40
20.00 to 29.99	.65
30.00 to 39.99	.90
40.00 to 49.99	1.15
50.00 to 59.99	1.40
60.00 to 69.99	1.65
70.00 to 79.99	1.90
80.00 to 89.99	2.15
90.00 to 99.99	2.40
100.00 to 109.99	2.65

ASSESSMENT CHART ¹—Continued

Current value (cents per pound)	Supplemental Assessment, dollars per bale
110.00 to 119.99	2.90

¹ Assessment is calculated on $\frac{1}{10}$ of 1 percent of the midpoint of each 10¢ increment, based on a 500 lb. bale and converted to a fixed amount per bale.

(2) Each marketing year the collecting handler must select one of the two options for collecting the supplemental assessment as provided in paragraph (a)(1) of this section. The handler shall notify the Cotton Board as to the method selected at the time the handler files the first handler report each marketing year.

(b) *Importer assessment.* An assessment for cotton research and promotion of \$1 per bale is hereby levied on each bale of cotton, or the bale equivalent thereof for cotton in cotton-containing products identified in the HTS conversion factor table in paragraph (b)(3) of this section and imported into the United States on or after July 31, 1992. The \$1 per bale assessment shall be converted to a fixed amount per kilogram to facilitate the U.S. Customs Service in collecting this assessment.

(1) A supplemental assessment for cotton research and promotion in addition to the \$1 per bale assessment provided for in paragraph (b) of this section is hereby levied on each bale of cotton or bale equivalent of cotton in cotton-containing products, identified in this subpart, imported into the United States on or after July 31, 1992. The supplemental assessment shall be levied at the rate of five-tenths of one percent of the historical value of cotton as determined by the Secretary and expressed in paragraph (b)(2) of this section. The rate of the supplemental assessment on imported cotton will be the same as that levied on cotton produced within the United States. The supplemental assessment will be calculated as a fixed amount per kilogram and added to the \$1 per bale or bale equivalent assessment to facilitate the Customs Service in collecting assessments.

(2) The average of monthly average prices received by U.S. farmers will be calculated annually. Such average will be used as the value of imported cotton for the purpose of levying the supplemental assessment on imported cotton and will be expressed in kilograms. The value of imported cotton for the purpose of levying this supplemental assessment for the period

January 1, 1992 through December 31, 1992 is \$1.384 per kilogram.

(3) The following table contains Harmonized Tariff Schedule (HTS) classification numbers and corresponding conversion factors and assessments. The left column of the table indicates the HTS classifications of imported cotton and cotton-containing products subject to assessment. The center column indicates the conversion factor for determining the raw fiber content for each kilogram of the HTS classification. HTS numbers for raw cotton have no conversion factor in the table. The right column indicates the total assessment per kilogram of the article assessed. Any line item entry of cotton appearing on Customs entry documentation in which the value of the cotton contained therein is less than \$220.99 will not be subject to assessments as described in this section.

IMPORT ASSESSMENT TABLE

(Raw cotton fiber)

HTS classification	Conversion factor	Cents/kg.
5201001000		1.1332
5201002000		1.1332
5201002010		1.1332
5201002020		1.1332
5201002050		1.1332
5204110000	1.1111	1.2591
5204200000	1.1111	1.2591
5205111000	1.1111	1.2591
5205121000	1.1111	1.2591
5205122000	1.1111	1.2591
5205131000	1.1111	1.2591
5205141000	1.1111	1.2591
5205210000	1.1111	1.2591
5205220000	1.1111	1.2591
5205230000	1.1111	1.2591
5205240000	1.1111	1.2591
5205250000	1.1111	1.2591
5205310000	1.1111	1.2591
5205320000	1.1111	1.2591
5205330000	1.1111	1.2591
5205340000	1.1111	1.2591
5205410000	1.1111	1.2591
5205440000	1.1111	1.2591
5206120000	0.5556	0.6296
5206130000	0.5556	0.6296
5206140000	0.5556	0.6296
5206230000	0.5556	0.6296
5206240000	0.5556	0.6296
5206310000	0.5556	0.6296
5207100000	1.1111	1.2591
5208112020	1.1455	1.2981
5208112040	1.1455	1.2981
5208112090	1.1455	1.2981
5208114020	1.1455	1.2981
5208114060	1.1455	1.2981
5208114090	1.1455	1.2981
5208118090	1.1455	1.2981
5208124020	1.1455	1.2981
5208124040	1.1455	1.2981
5208124090	1.1455	1.2981
5208126020	1.1455	1.2981
5208126040	1.1455	1.2981
5208126060	1.1455	1.2981
5208126090	1.1455	1.2981
5208128020	1.1455	1.2981
5208128090	1.1455	1.2981
5208130000	1.1455	1.2981
5208192020	1.1455	1.2981

IMPORT ASSESSMENT TABLE—Continued

(Raw cotton fiber)

HTS classification	Conversion factor	Cents/kg.
5208192090	1.1455	1.2981
5208194020	1.1455	1.2981
5208194090	1.1455	1.2981
5208196090	1.1455	1.2981
5208224040	1.1455	1.2981
5208224090	1.1455	1.2981
5208226020	1.1455	1.2981
5208226060	1.1455	1.2981
5208228020	1.1455	1.2981
5208230000	1.1455	1.2981
5208292020	1.1455	1.2981
5208292090	1.1455	1.2981
5208294090	1.1455	1.2981
5208296090	1.1455	1.2981
5208298020	1.1455	1.2981
5208312000	1.1455	1.2981
5208321000	1.1455	1.2981
5208323020	1.1455	1.2981
5208323040	1.1455	1.2981
5208323090	1.1455	1.2981
5208324020	1.1455	1.2981
5208324040	1.1455	1.2981
5208325020	1.1455	1.2981
5208330000	1.1455	1.2981
5208392020	1.1455	1.2981
5208392090	1.1455	1.2981
5208394090	1.1455	1.2981
5208396090	1.1455	1.2981
5208398020	1.1455	1.2981
5208412000	1.1455	1.2981
5208416000	1.1455	1.2981
5208418000	1.1455	1.2981
5208421000	1.1455	1.2981
5208423000	1.1455	1.2981
5208424000	1.1455	1.2981
5208425000	1.1455	1.2981
5208430000	1.1455	1.2981
5208492000	1.1455	1.2981
5208494020	1.1455	1.2981
5208494090	1.1455	1.2981
5208496010	1.1455	1.2981
5208496090	1.1455	1.2981
5208498080	1.1455	1.2981
5208516060	1.1455	1.2981
5208518090	1.1455	1.2981
5208523020	1.1455	1.2981
5208523040	1.1455	1.2981
5208523090	1.1455	1.2981
5208524020	1.1455	1.2981
5208524040	1.1455	1.2981
5208524060	1.1455	1.2981
5208525020	1.1455	1.2981
5208530000	1.1455	1.2981
5208592020	1.1455	1.2981
5208592090	1.1455	1.2981
5208594090	1.1455	1.2981
5208596090	1.1455	1.2981
5209110020	1.1455	1.2981
5209110030	1.1455	1.2981
5209110050	1.1455	1.2981
5209110090	1.1455	1.2981
5209120020	1.1455	1.2981
5209120040	1.1455	1.2981
5209190020	1.1455	1.2981
5209190040	1.1455	1.2981
5209190060	1.1455	1.2981
5209190090	1.1455	1.2981
5209210090	1.1455	1.2981
5209220020	1.1455	1.2981
5209290040	1.1455	1.2981
5209290090	1.1455	1.2981
5209313000	1.1455	1.2981
5209316030	1.1455	1.2981
5209316050	1.1455	1.2981
5209316090	1.1455	1.2981
5209320020	1.1455	1.2981
5209320040	1.1455	1.2981

IMPORT ASSESSMENT TABLE—Continued

(Raw cotton fiber)

HTS classification	Conversion factor	Cents/kg.
5209390020	1.1455	1.2981
5209390040	1.1455	1.2981
5209390060	1.1455	1.2981
5209390080	1.1455	1.2981
5209390090	1.1455	1.2981
5209413000	1.1455	1.2981
5209416020	1.1455	1.2981
5209420020	1.0309	1.1682
5209420040	1.0309	1.1682
5209430020	1.1455	1.2981
5209430040	1.1455	1.2981
5209490020	1.1455	1.2981
5209490090	1.1455	1.2981
5209516030	1.1455	1.2981
5209516050	1.1455	1.2981
5209520020	1.1455	1.2981
5209590020	1.1455	1.2981
5209590040	1.1455	1.2981
5209590090	1.1455	1.2981
5210114020	0.6873	0.7788
5210114040	0.6873	0.7788
5210114090	0.6873	0.7788
5210116020	0.6873	0.7788
5210116040	0.6873	0.7788
5210116060	0.6873	0.7788
5210120000	0.6873	0.7788
5210192090	0.6873	0.7788
5210214040	0.6873	0.7788
5210216020	0.6873	0.7788
5210216060	0.6873	0.7788
5210314020	0.6873	0.7788
5210314040	0.6873	0.7788
5210316020	0.6873	0.7788
5210318020	0.6873	0.7788
5210414000	0.6873	0.7788
5210416000	0.6873	0.7788
5210418000	0.6873	0.7788
5210498090	0.6873	0.7788
5210514040	0.6873	0.7788
5210516020	0.6873	0.7788
5210516040	0.6873	0.7788
5210516060	0.6873	0.7788
5211120020	0.6873	0.7788
5211190020	0.6873	0.7788
5211190060	0.6873	0.7788
5211210030	0.4165	0.4720
5211290090	0.6873	0.7788
5211320020	0.6873	0.7788
5211390040	0.6873	0.7788
5211390060	0.6873	0.7788
5211490020	0.6873	0.7788
5211490090	0.6873	0.7788
5211590020	0.6873	0.7788
5212116040	0.9164	1.0385
5212146090	0.9164	1.0385
5212216090	0.9164	1.0385
5212236060	0.9164	1.0385
5601101000	1.1455	1.2981
5601210010	1.1455	1.2981
5601210090	1.1455	1.2981
5601220090	1.0413	1.1800
5601300000	1.1455	1.2981
5602109090	0.5727	0.6490
5602290000	1.1455	1.2981
5602906000	0.5260	0.5961
5603009030	0.3124	0.3540
5603009070	0.3124	0.3540
5603009090	0.3124	0.3540
5604900000	0.5556	0.6296
5607100000	0.8791	0.9962
5607210000	0.8791	0.9962
5607290000	0.8791	0.9962
5607301000	0.8791	0.9962
5607302000	0.8791	0.9962
5607491000	0.8081	0.9157
5607902000	0.8889	1.0073
5608901000	1.1111	1.2591

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS classification	Conversion factor	Cents/kg.
5608902000	1.1111	1.2581
5609004000	0.5556	0.6286
5701102010	0.0556	0.0630
5701102090	0.1111	0.1259
5701901010	1.0444	1.1835
5701902010	0.9333	1.0576
5702109020	1.1000	1.2465
5702312000	0.0778	0.0882
5702411000	0.0722	0.0818
5702412000	0.0778	0.0882
5702421000	0.0778	0.0882
5702422090	0.0778	0.0882
5702491010	1.0333	1.1709
5702491090	1.0333	1.1709
5702913000	0.0889	0.1007
5702991010	1.1111	1.2591
5702991090	1.1111	1.2591
5703100000	0.6313	0.7154
5703202010	0.0337	0.0382
5703900000	0.4489	0.5087
5705002020	0.7071	0.8013
5705002030	0.0337	0.0382
5801220000	1.1455	1.2981
5801230000	1.1455	1.2981
5801250010	1.1455	1.2981
5801250020	1.1455	1.2981
5801260020	1.1455	1.2981
5802110000	1.1455	1.2981
5802190000	1.1455	1.2981
5802300030	0.5727	0.6490
5804290020	1.1455	1.2981
5806200000	0.3534	0.4005
5806310000	1.1455	1.2981
5806400000	0.4296	0.4868
5806103010	0.0527	0.6490
5808900010	0.5727	0.6490
5810100000	1.1455	1.2981
5810910020	1.1455	1.2981
5811002000	1.1455	1.2981
6001210000	0.8591	0.9735
6001220000	0.2864	0.3245
6001910010	0.8591	0.9735
6001910020	0.8591	0.9735
6001920020	0.2864	0.3245
6001920030	0.2864	0.3245
6001920040	0.2864	0.3245
6002203000	0.8881	0.9837
6002206000	0.2894	0.3279
6002302000	0.9996	1.1327
6002420000	0.8881	0.9837
6002430010	0.2894	0.3279
6002430080	0.2894	0.3279
6002920000	1.1574	1.3116
6002930040	0.1157	0.1311
6002930080	0.1157	0.1311
6101200010	1.0094	1.1439
6101302010	1.2235	1.3865
6102200010	1.0094	1.1439
6102200020	1.0094	1.1439
6102302010	1.2235	1.3865
6103421020	0.8806	0.9979
6103421040	0.8806	0.9979
6103421050	0.8806	0.9979
6103421070	0.8806	0.9979
6103431520	0.2516	0.2851
6103431540	0.2516	0.2851
6103431550	0.2516	0.2851
6104220040	0.9002	1.0201
6104220060	0.9002	1.0201
6104320000	0.9207	1.0433
6104420010	0.9002	1.0201
6104420020	0.9002	1.0201
6104520010	0.9312	1.0552
6104520020	0.9312	1.0552
6104822010	0.8806	0.9979
6104822015	0.8806	0.9979
6104822025	0.8806	0.9979

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS classification	Conversion factor	Cents/kg.
6104822030	0.8806	0.9979
6104822060	0.8806	0.9979
6104832010	0.3774	0.4277
6104832025	0.3774	0.4277
6104832030	0.3774	0.4277
6104832060	0.3774	0.4277
6105100010	0.9850	1.1162
6105100020	0.9850	1.1162
6105100030	0.9850	1.1162
6105202010	0.3078	0.3488
6105202030	0.3078	0.3488
6106100010	0.9850	1.1162
6106100020	0.9850	1.1162
6106100030	0.9850	1.1162
6106202010	0.3078	0.3488
6106202030	0.3078	0.3488
6107110010	1.1322	1.2830
6107110020	1.1322	1.2830
6107120010	0.5032	0.5702
6107210010	0.8806	0.9979
6107220025	0.3774	0.4277
6107910010	1.2581	1.4257
6107910040	1.2581	1.4257
6108210010	1.2445	1.4103
6108210020	1.2445	1.4103
6108220020	1.1314	1.2821
6108310010	1.1201	1.2693
6108320010	0.2489	0.2821
6108320015	0.2489	0.2821
6108320025	0.2489	0.2821
6108910015	1.2445	1.4103
6108910025	1.2445	1.4103
6108910030	1.2445	1.4103
6108920030	0.2489	0.2821
6109100005	0.9956	1.1282
6109100007	0.9956	1.1282
6109100009	0.9956	1.1282
6109100012	0.9956	1.1282
6109100014	0.9956	1.1282
6109100018	0.9956	1.1282
6109100023	0.9956	1.1282
6109100027	0.9956	1.1282
6109100037	0.9956	1.1282
6109100040	0.9956	1.1282
6109100045	0.9956	1.1282
6109100060	0.9956	1.1282
6109100065	0.9956	1.1282
6109100070	0.9956	1.1282
6109901007	0.3111	0.3525
6109901009	0.3111	0.3525
6109901025	0.3111	0.3525
6109901049	0.3111	0.3525
6109901050	0.3111	0.3525
6109901060	0.3111	0.3525
6109901065	0.3111	0.3525
6109901090	0.3111	0.3525
6110102010	0.8631	0.9781
6110102030	0.8631	0.9781
6110202005	1.1837	1.3414
6110202010	1.1837	1.3414
6110202015	1.1837	1.3414
6110202020	1.1837	1.3414
6110202025	1.1837	1.3414
6110202030	1.1837	1.3414
6110202035	1.1837	1.3414
6110202040	1.1574	1.3116
6110202045	1.1574	1.3116
6110202065	1.1574	1.3116
6110202075	1.1574	1.3116
6110303010	0.1850	0.2096
6110303020	0.1850	0.2096
6110303040	0.1850	0.2096
6110303050	0.1850	0.2096
6110303055	0.1850	0.2096
6110300022	0.2630	0.2980
6110900024	0.2630	0.2980
6110900040	0.2630	0.2980

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS classification	Conversion factor	Cents/kg.
6110900042	0.2630	0.2980
6110900090	0.2630	0.2980
6111201000	1.2581	1.4257
6111202000	1.2581	1.4257
6111203000	1.0064	1.1405
6111205000	1.0064	1.1405
6111206010	1.0064	1.1405
6111206020	1.0064	1.1405
6111206030	1.0064	1.1405
6111206040	1.0064	1.1405
6111304000	0.2516	0.2851
6111305010	0.2516	0.2851
6111305015	0.2516	0.2851
6111305020	0.2516	0.2851
6111305030	0.2516	0.2851
6111305040	0.2516	0.2851
6112110050	0.7548	0.8553
6112120010	0.2516	0.2851
6112120030	0.2516	0.2851
6112120040	0.2516	0.2851
6112120050	0.2516	0.2851
6112120060	0.2516	0.2851
6112390010	1.1322	1.2830
6112410010	0.1258	0.1426
6112490010	0.9435	1.0692
6114200005	0.9002	1.0201
6114200010	0.9002	1.0201
6114200015	0.9002	1.0201
6114200020	1.2860	1.4573
6114200040	0.9002	1.0201
6114200052	0.9002	1.0201
6114200060	0.9002	1.0201
6114301010	0.2572	0.2915
6114301020	0.2572	0.2915
6114303030	0.2572	0.2915
6114303050	0.2572	0.2915
6115110020	1.0522	1.1924
6115190010	1.0417	1.1805
6115922000	1.0417	1.1805
6115932000	0.2315	0.2623
6115932020	0.2315	0.2623
6116101510	0.3655	0.4142
6116101520	0.8528	0.9664
6116103510	0.8528	0.9664
6116922010	1.0965	1.2426
6116922020	1.0965	1.2426
6116922030	1.2183	1.3806
6116922040	1.0965	1.2426
6116922060	1.2183	1.3806
6116922070	1.0965	1.2426
6116923000	1.0965	1.2426
6116926020	1.0965	1.2426
6116926030	1.2183	1.3806
6116926040	1.0965	1.2426
6116929000	1.0965	1.2426
6116932010	0.1218	0.1380
6116932011	0.1218	0.1380
6116932020	0.1218	0.1380
6117800010	0.9747	1.1045
6117800035	0.3655	0.4142
6201121000	0.9480	1.0743
6201122010	0.8953	1.0146
6201122050	0.6847	0.7759
6201122060	0.6847	0.7759
6201134015	0.2107	0.2388
6201134030	0.2633	0.2984
6201921000	0.9267	1.0501
6201921500	1.1583	1.3128
6201922010	1.0296	1.1667
6201922020	1.2871	1.4585
6201922030	1.2871	1.4585
6201922040	1.0296	1.1667
6201922050	1.0296	1.1667
6201922060	1.0296	1.1667
6201931000	0.3089	0.3500
6201932020	0.2574	0.2917
6201933000	1.1700	1.3258

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS classification	Conversion factor	Cents/kg.
6201933510	0.2574	0.2917
6201933520	0.2574	0.2917
6202121000	0.9372	1.0620
6202122010	1.1064	1.2538
6202122025	1.3017	1.4751
6202122050	0.8461	0.9588
6202122060	0.8461	0.9588
6202134005	0.2664	0.3019
6202134020	0.3330	0.3774
6202134030	0.3330	0.3774
6202921000	1.0413	1.1800
6202921500	1.0413	1.1800
6202922025	1.3017	1.4751
6202922060	1.0413	1.1800
6202922070	1.0413	1.1800
6202931000	0.3124	0.3540
6202934500	1.1833	1.3409
6202935010	0.2603	0.2950
6202935020	0.2603	0.2950
6202990060	0.2603	0.2950
6203122010	0.1302	0.1475
6203191010	1.0413	1.1800
6203221000	1.3017	1.4751
6203322010	1.2366	1.4013
6203322040	1.2366	1.4013
6203332010	0.1302	0.1475
6203392010	1.1715	1.3275
6203394060	0.2603	0.2950
6203422010	0.9961	1.1288
6203422025	0.9961	1.1288
6203422050	0.9961	1.1288
6203422090	0.9961	1.1288
6203424005	1.2451	1.4109
6203424010	1.2451	1.4109
6203424015	0.9961	1.1288
6203424020	1.2451	1.4109
6203424025	1.2451	1.4109
6203424030	1.2451	1.4109
6203424035	1.2451	1.4109
6203424040	0.9961	1.1288
6203424045	0.9961	1.1288
6203424050	0.9238	1.0469
6203424055	0.9238	1.0469
6203424060	0.9238	1.0469
6203431500	0.1245	0.1411
6203434010	0.1232	0.1396
6203434020	0.1232	0.1396
6203434030	0.1232	0.1396
6203434040	0.1232	0.1396
62034392010	0.1245	0.1411
6203492030	0.1245	0.1411
6203493045	0.2490	0.2822
6204132010	0.1302	0.1475
6204192000	0.1302	0.1475
6204193090	0.2603	0.2950
6204221000	1.3017	1.4751
6204223030	1.0413	1.1800
6204223040	1.0413	1.1800
6204223050	1.0413	1.1800
6204223060	1.0413	1.1800
6204223065	1.0413	1.1800
6204292015	0.3254	0.3687
6204292020	0.3254	0.3687
6204292040	0.3254	0.3687
6204322010	1.2366	1.4013
6204322030	1.0413	1.1800
6204322040	1.0413	1.1800
6204394060	0.2603	0.2950
6204423010	1.2728	1.4423
6204423030	0.9546	1.0818
6204423040	0.9546	1.0818
6204423050	0.9546	1.0818
6204423060	0.9546	1.0818
6204444010	0.4831	0.5474
6204490060	0.2603	0.2950
6204510010	0.0666	0.0755
6204522010	1.2654	1.4340

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS classification	Conversion factor	Cents/kg.
6204522030	1.2654	1.4340
6204522040	1.2654	1.4340
6204522070	1.0656	1.2075
6204522080	1.0656	1.2075
6204533010	0.2664	0.3019
6204594060	0.2664	0.3019
6204610010	0.0623	0.0706
6204622010	0.9961	1.1288
6204622025	0.9961	1.1288
6204622050	0.9961	1.1288
6204624005	1.2451	1.4109
6204624010	1.2451	1.4109
6204624020	0.9961	1.1288
6204624025	1.2451	1.4109
6204624030	1.2451	1.4109
6204624035	1.2451	1.4109
6204624040	1.2451	1.4109
6204624045	0.9961	1.1288
6204624050	0.9961	1.1288
6204624055	0.9854	1.1167
6204624060	0.9854	1.1167
6204624065	0.9854	1.1167
6204631200	0.1245	0.1411
6204633510	0.2546	0.2885
6204633530	0.2546	0.2885
6204633532	0.2437	0.2762
6204633540	0.2437	0.2762
6204692510	0.2490	0.2822
6204692530	0.2490	0.2822
6204692540	0.2437	0.2762
6204699040	0.2490	0.2822
6204699044	0.2490	0.2822
6205202015	0.9961	1.1288
6205202020	0.9961	1.1288
6205202025	0.9961	1.1288
6205202030	0.9961	1.1288
6205202035	1.1206	1.2699
6205202046	0.9961	1.1288
6205002050	0.9961	1.1288
6205202060	0.9961	1.1288
6205202065	0.9961	1.1288
6205202070	0.9961	1.1288
6205202075	0.9961	1.1288
6205302010	0.3113	0.3528
6205302040	0.3113	0.3528
6205302050	0.3113	0.3528
6205302070	0.3113	0.3528
6205302080	0.3113	0.3528
6205902040	0.1245	0.1411
6206100040	0.1245	0.1411
6206303010	0.9961	1.1288
6206303020	0.9961	1.1288
6206303030	0.9961	1.1288
6206303040	0.9961	1.1288
6206303050	0.9961	1.1288
6206303060	0.9961	1.1288
6206403010	0.3113	0.3528
6206403030	0.3113	0.3528
6206403050	0.3113	0.3528
6206900040	0.2490	0.2822
6207110000	1.0852	1.2297
6207190010	0.3617	0.4099
6207210010	1.1085	1.2562
6207210030	1.1085	1.2562
6207220000	0.3695	0.4187
6207911000	1.1455	1.2981
6207913000	1.1455	1.2981
6207913020	1.1455	1.2981
6208210010	1.0583	1.1993
6208210020	1.0583	1.1993
6208220000	0.1245	0.1411
6208911010	1.1455	1.2981
6208913010	1.1455	1.2981
6208920010	0.1273	0.1443
6208920030	0.1273	0.1443
6209201000	1.1577	1.3119
6209203000	0.9749	1.1048

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS classification	Conversion factor	Cents/kg.
6209205030	0.9749	1.1048
6209205035	0.9749	1.1048
6209205040	1.2186	1.3809
6209205045	0.9749	1.1048
6209205050	0.9749	1.1048
6209303010	0.2463	0.2791
6219303020	0.2463	0.2791
6209303030	0.2463	0.2791
6209303040	0.2463	0.2791
6210104015	0.2291	0.2596
6210301020	0.0891	0.1010
6210401010	0.0391	0.0443
6210401020	0.4556	0.5163
6210401030	0.4556	0.5163
6210401050	0.4556	0.5163
6210501020	0.0911	0.1032
6211111010	0.1273	0.1443
6211111020	0.1273	0.1443
6211112010	1.1455	1.2981
6211112020	1.1455	1.2981
6211021535	0.2473	0.2802
6211201565	0.2473	0.2802
6211320003	0.6769	0.7671
6211320005	0.8461	0.9588
6211320007	0.8461	0.9588
6211320010	1.0413	1.1800
6211320015	1.0413	1.1800
6211320030	0.9763	1.1063
6211320060	0.9863	1.1063
6211320070	0.9763	1.1063
6211320080	0.9763	1.1063
6211330010	0.3254	0.3687
6211330030	0.3905	0.4425
6211330035	0.3905	0.4425
6211330040	0.3905	0.4425
6211330050	0.3905	0.4425
6211330060	0.3905	0.4425
6211420010	1.0413	1.1800
6211420020	1.0413	1.1800
6211420025	1.1715	1.3275
6211420050	1.1715	1.3275
6211420060	1.0413	1.1800
6211420070	1.1715	1.3275
6211420080	1.1715	1.3275
6211430010	0.2603	0.2950
6211430030	0.2603	0.2950
6211430050	0.2603	0.2950
6211430060	0.2603	0.2950
6211430090	0.2603	0.2950
6211490020	0.2603	0.2950
6212101020	0.2412	0.2733
6212102010	0.9646	1.0931
6212102020	0.2412	0.2733
6212200020	0.3014	0.3415
6212900010	0.7717	0.8745
6212900030	0.1929	0.2186
6213201000	1.1809	1.3382
6213202000	1.0628	1.2044
6213901000	0.4724	0.5353
6214300000	0.1206	0.1367
6214400000	0.1206	0.1367
6214900010	0.9043	1.0248
6216001000	0.3617	0.4099
6216001510	0.3617	0.4099
6216002540	0.1743	0.1975
6216003810	1.2451	1.4109
6216003811	1.2451	1.4109
6216003820	1.2451	1.4109
6216003821	1.2451	1.4109
6216003910	1.2058	1.3664
6216003920	1.2058	1.3664
6217100010	1.0182	1.1538
6217100030	0.2546	0.2885
6217900075	1.0182	1.1538
6301300010	0.8766	0.9934
6301300020	0.8766	0.9934

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS classification	Conversion factor	Cents/kg.
6301400010	1.0626	1.2041
6302100010	1.1689	1.3246
6302211020	0.8182	0.9272
6302211040	0.8182	0.9272
6302212010	1.1689	1.3246
6302212020	0.8182	0.9272
6302212030	1.1689	1.3246
6302212040	0.8182	0.9272
6302212060	0.8182	0.9272
6302212090	0.8182	0.9272
6302222010	0.4091	0.4636
6302222020	0.4091	0.4636
6302311060	0.8182	0.9272
6302311090	0.8182	0.9272
6302312010	1.1689	1.3246
6302312020	0.8182	0.9272
6302312030	1.1689	1.3246
6302312040	0.8182	0.9272
6302312050	0.8182	0.9272
6302312055	0.8182	0.9272
6302312060	0.8182	0.9272
6302312090	0.8182	0.9272
6302322020	0.4091	0.4636
6302322030	0.5844	0.6622
6302322040	0.4091	0.4636
6302402010	0.9935	1.1258
6302511000	0.5844	0.6622
6302512000	0.8766	0.9934
6302513000	0.5844	0.6622
6302514000	0.8182	0.9272
6302600010	1.1689	1.3246
6302600020	1.0520	1.1921
6302600030	1.0520	1.1921
6302910005	1.0520	1.1921
6302910015	1.1689	1.3246
6302910025	1.0520	1.1921
6302910035	1.0520	1.1921
6302910045	1.0520	1.1921
6302910050	1.0520	1.1921
6302910060	1.0520	1.1921
6303110000	0.9448	1.0708
6303910000	0.8429	0.7285
6303920000	0.2922	0.3311
6304111000	1.0629	1.2045
6304190500	1.0520	1.1921
6304191000	1.1689	1.3246
6304191500	0.4091	0.4636
6304192000	0.4091	0.4636
6304910020	0.9351	1.0597
6304920000	0.9351	1.0597
6304930000	1.0626	1.2041

(4) Any entry of cotton that qualifies for informal entry according to regulations issued by the Customs Service will not be subject to the assessment.

(5) Imported textile articles assembled abroad in whole or in part of fabricated components, produced in the United States which:

(i) were exported from the U.S. in condition ready for assembly without further fabrication,

(ii) have not lost their physical identity in such articles by change in form, shape or otherwise, and

(iii) have not been advanced in value or improved in condition abroad except by being assembled and except by operations incidental to the assembly process shall not be subject to

assessments under this subpart. The specific HTS classifications affected under this paragraph are 9802.00.8010, 9802.00.8040, and 9802.00.8060.

(6) Imported cotton and products may be exempted by the Cotton Board from assessment under this paragraph. Such imported cotton and products may include, but are not limited to cotton and the cotton content of products which is U.S. produced cotton, or cotton other than Upland cotton.

(i) A request for such exemption must be submitted to the Cotton Board by the importer, prior to the importation of the cotton product. The Cotton Board will then issue, if deemed appropriate, a numbered exemption certificate valid for 120 days from the date of issue. The exemption number should be entered by the importer on the Customs entry documentation in the appropriate location as determined by the U.S. Customs Service.

(ii) The request for exemption should include:

(A) the name, address, and importer identification number for the importer;

(B) the HTS classification of the imported product;

(C) weight of the product for which the exemption is sought;

(D) estimated date of entry;

(E) commercial invoices of other such documentation indicating the origin or production or type of the cotton fiber used to produce the imported product;

(F) manufacture's description of the imported product.

(7) The exemption number "999999999" shall be entered on the Customs entry summary document, in the appropriate location as determined by the U.S. Customs Service, by the importer when, based on the importer's own determination, the imported product is identified by a Harmonized Tariff Schedule classification number which is subject to assessment but the particular article contains no cotton.

(8) Articles imported into the United States temporarily and under bond which are classified by the Harmonized Tariff Schedule heading which begins with "9813" shall not be subject to assessment.

(9) Articles imported into the U.S. after being exported from the U.S. for alterations and which are classified by the Harmonized Tariff Schedule subheadings 9802.00.40 and 9802.00.50 shall not be subject to assessment.

Dated: May 14, 1992.

Kenneth C. Clayton,
Acting Administrator.

[FR Doc. 92-15354 Filed 6-29-92; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 1220

[No. LS-91-005]

Soybean Promotion and Research; Rules and Regulations

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This rule adopts with changes the interim final rule implementing the Soybean Promotion and Research Order, which established a national industry-funded soybean promotion and research program. This rule includes provisions: (1) Detailing the collection and remittance process, (2) establishing a form of certification for exempt transactions, (3) identifying the Qualified State Soybean Boards, (4) providing refund procedures, and (5) establishing procedures for collecting and remitting assessments on forfeited soybeans pledged as collateral for Commodity Credit Corporation loans.

EFFECTIVE DATE: This final rule is effective July 2, 1992.

ADDRESSES: Marketing Programs Branch; Livestock and Seed Division; Agricultural Marketing Service, U.S. Department of Agriculture, room 2624-S; P.O. Box 96456; Washington, DC 20090-6456.

FOR FURTHER INFORMATION CONTACT: Ralph L. Tapp, Chief, Marketing Programs Branch; Livestock and Seed Division; AMS, USDA, Room 2624-S; P.O. Box 96456; Washington, DC 20090-6456. (Telephone: 202/720/1115).

SUPPLEMENTARY INFORMATION: Prior documents:

Final Rule—Soybean Promotion and Research Order published July 9, 1991 (56 FR 31043).

Interim Final Rule with request for comments published August 30, 1991 (56 FR 42921).

Interim Final Rule—Soybean Promotion and Research; Rules and Regulations published August 30, 1991 (56 FR 42923).

Regulatory Impact

This final rule was reviewed in accordance with Executive Order No. 12291 and Departmental Regulation No. 1512-1 and has been classified as a "nonmajor" rule because it does not meet the criteria for a major rule as stated in the Order.

This rule has been reviewed under Executive Order 12778, Civil Justice Reform. It is not intended to have retroactive effect.

The Act provides that administrative proceedings must be exhausted before

parties may file suit in court. Under section 1971 of the Act, a person subject to the Soybean Promotion and Research Order may file with the Secretary a petition stating that the Order, any provision of the Order, or any obligation imposed in connection with the Order is not in accordance with law and requesting a modification of the Order or an exemption from the Order. The petitioner is afforded the opportunity for a hearing on the petition. After a hearing the Secretary would rule on the petition. The statute provides that the district court of the United States in any district in which the person who is a petitioner resides or carries on business has jurisdiction to review a ruling on the petition if a complaint for that purpose is filed not later than 20 days after the date of the entry of the ruling.

Further, section 1974 of the Act provides, with certain exceptions, that nothing in the Act may be construed to preempt or supersede any other program relating to soybean promotion, research, consumer information, or industry information organized and operated under the laws of the United States or any State. One exception in the Act concerns assessments collected by Qualified State Soybean Boards. The exception provides that to ensure adequate funding of the operations of Qualified State Soybean Boards under the Act, no State law or regulation may limit or have the effect of limiting the full amount of assessments that a Qualified State Soybean Board in that State may collect, and which is authorized to be credited under the Act.

This action was also reviewed under the Regulatory Flexibility Act (5 U.S.C. 601 et. seq.).

This rule includes provisions: (1) Detailing the collection and remittance process, (2) establishing a form of certification of exempt transactions, (3) identifying the Qualified State Soybean Boards, (4) providing refund procedures, and (5) establishing procedures for collecting and remitting assessments on forfeited soybeans pledged as collateral for a Commodity Credit Corporation loan.

The most recent available census of agricultural producers indicates that there are 439,093 soybean producers in the United States, an estimated 431,710 of whom would be classified as small businesses under the criteria established by the Small Business Administration (13 CFR 121.2). Soybean producers are required to pay an assessment of one-half of one percent of market value of soybeans marketed. In addition, an estimated 10,000 first purchasers of soybeans are required to collect and remit the assessments. Although the

assessments are expected to total approximately \$50-\$60 million annually, the economic impact of a one-half of one percent of market value assessment on each individual producer, including small producers, will not be significant. Reporting and recordkeeping requirements are imposed on first purchasers of soybeans and on producers processing and marketing soybeans and soybean products of their own production. This burden should average less than 5 hours per year, so its economic impact will not be significant. In addition, the promotion and research program funded by the assessments is expected to benefit the producers and first purchasers by expanding and maintaining new and existing domestic and foreign markets and uses for soybeans and soybean products. Therefore, the Administrator of the Agricultural Marketing Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction

In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35) the reporting and recordkeeping requirements included in Part 1220 were previously approved by the Office of Management and Budget (OMB) and were assigned OMB No. 0581-0093, except for Board member nominee information sheets which were assigned OMB No. 0505-0001. There are an estimated 439,093 soybean producers and an estimated 10,000 first purchasers. Information collection requirements contained in this action include a report by persons marketing soybeans, processed soybeans, or soybean products and persons collecting assessments on soybeans (an estimated 10,000 respondents with an estimated average reporting burden of one hour per response); a certification form to claim non-producer status (an estimated 2,000 respondents with an estimated average reporting burden of 0.03 hours per response); and an application for a refund of assessments (an estimated 30,000 respondents with an estimated average reporting burden of 0.08 hours per response).

Background

The Soybean Promotion, Research, and Consumer Information Act (Act) approved November 28, 1990, as Subtitle E of Title XIX of the Food, Agriculture, Conservation, and Trade Act of 1990 provides for the establishment of a national program of promotion, research, consumer information, and industry information designed to strengthen the soybean industry's

position in the marketplace; to maintain and expand existing domestic and foreign markets and uses for soybeans and soybean products; and to develop new markets and uses for soybeans and soybean products. This program will be financed by assessments on soybeans. Pursuant to the Act, a Soybean Promotion and Research Order was issued and assessments began September 1, 1991. The Order requires that first purchasers of soybeans collect an assessment from producers and remit such assessments to the Qualified State Soybean Board in the first purchaser's State or if no Qualified State Soybean Board exists in the State, to the Board.

The Soybean Promotion, Research, and Consumer Information Act authorizes the establishment of a national soybean promotion, research, consumer information, and industry information program. The program will be funded by an assessment of 0.5 of one percent of the net market price of soybeans marketed by soybean producers.

The final Order establishing a soybean promotion and research program was published in the July 9, 1991, issue of the *Federal Register* (56 FR 31043). The Order requires that the first purchaser remit assessments to the Qualified State Soybean Board or to the Board if the State does not have a Qualified State Soybean Board. The Order further provides that producers participating in such Qualified State Soybean Promotion and Research programs shall be entitled to a credit of up to 0.25 of one percent of the net market value of soybeans marketed for participating in such a program. The remaining portion of the assessment will be forwarded to the Board to fund national promotion and other authorized activities while the portion credited to the Qualified State Soybean Boards will be used for comparable programs at the State level.

The program is administered by a United Soybean Board composed of soybean producers appointed by the Secretary from nominations submitted by industry organizations.

The Board reviewed 29 applications from State soybean promotion entities pursuant to § 1220.228 of the Order. These Qualified State Soybean Boards are listed in § 1220.312 of these rules and regulations. The address of the Board and the addresses of the Qualified State Soybean Boards were published in a separate notice on October 8, 1991 (56 FR 50705), and will be updated as necessary. First purchasers or producers responsible for remitting assessments in the 21 States

which do not have Qualified State Soybean Boards are required by the Order to remit the assessments collected to the Board.

During its meeting on July 21-22, 1991, the Board recommended the adoption of rules and regulations to implement the collection of assessments pursuant to the Order.

The Board sought to clarify the collection of assessments in the marketing situation involving deliveries on futures contracts. In these transactions there could be confusion as to the person responsible for remitting assessments. The Board has determined that the collection and remittance process would be most effective and efficient if the producer is responsible for remitting the assessment.

In addition, these rules and regulations further specify responsibilities relating to assessments for purchases on a contract basis including soybeans purchased for seed stock. Section 1220.223(a)(2) of the Order specifies that "any producer marketing processed soybeans or soybean products of that person's own production shall remit to a Qualified State Soybean Board or to the Board an assessment on such soybeans or soybean products at a rate of one-half of one percent (0.5%) of the net market price of the soybeans involved or the equivalent thereof." The Order did not specify when this assessment obligation would be incurred. It was the intent of the Order that the assessment on such soybeans would be incurred at the time of sale of the processed soybeans or soybean products. The assessment on soybeans forfeited in lieu of repayment of a Commodity Credit Corporation loan shall attach at the time of loan settlement.

These regulations provide procedures for certification of non-producer status for subsequent sales of soybeans.

Producers may obtain refunds of assessments paid prior to the date the results of the continuance referendum as contemplated by the Act are announced. These rules and regulations contain procedures relating to this refund period. Also, a provision concerning the OMB control number is added to subpart B.

In response to a request for comments in an interim final rule published in the *Federal Register* on August 30, 1991 (56 FR 42923), the U.S. Department of Agriculture (USDA) received five written comments. Changes suggested by commenters are discussed below, together with a description of changes made by USDA upon review of the comments. For the reader's convenience, the discussion is organized by topic headings of the interim final rule.

Section 1220.311. Collection and Remittance of Assessments.

Regarding section 1220.311(a), one commenter suggested that USDA more clearly define "receipt" as used in the last sentence of the paragraph. The commenter also suggested listing the information that is required on a receipt and specifying that settlement sheets, or other comparable documentation commonly issued to producers by first purchasers as evidence of a transaction, suffice as a receipt. Accordingly, we have added a sentence at the end of the paragraph which describes what constitutes a receipt and referenced § 1220.314(a) of the rule which details the information required on a receipt.

Regarding § 1220.311(b), two commenters suggested that this paragraph be amended to apply only to contracts between producers and integrated livestock and poultry operations. The commenters felt that the use of the term "volume basis" could be misconstrued to apply to "forward contracts" or "price later contracts." It is not practical to specifically address all the different kinds of contracts that the industry utilizes to market soybeans. Therefore, this suggestion is not adopted. However, this section would apply to all contractual agreements including seed stock contracts contained in § 1220.311(c) of the interim rule. The language regarding the timing of collection of the assessments has been modified from "at the time of final settlement" to "at the time of payment to the producer" to reflect industry practice relating to interim payments. Assessments not previously collected would be collected at final settlement. It should be noted that if the net market price is not specified in a contract, the assessment would be based on fair market value as specified in § 1220.311(c).

Regarding § 1220.311(c) in the interim rule, two commenters suggested modification of this section as it relates to the method of calculating a price for soybeans used for seed stock. Most seed companies who contract with soybean growers to purchase soybeans for seed utilize price quotes from local markets within the area in which the soybeans are grown to establish a price. The highest surveyed price is then offered as an election price to the grower. This method of establishing a price appears to comply with provisions of the Act and Order, and it is possible to obtain local market prices for audit purposes. We agree with the intent of this suggestion and it is reflected in 1220.311(b). Section 1220.311(c), pertaining to seed stock, as contained in the interim rule, is deleted.

All seed stock sold remains subject to assessment however.

Regarding § 1220.311(d) in the interim rule, one commenter observed that in many States, producers who sell soybeans for seed stock to other farmers remit the assessment to the Qualified State Soybean Board pursuant to the process described in this section. Section 1220.311(d) of the interim rule, now § 1220.311(c), pertains to processed soybeans or soybean products. The assessment on seed stock, like all soybeans sold in bean form, is to be collected by the first purchaser. However, this does not relieve the producer's obligation to remit assessments if the first purchaser fails to collect. Further §§ 1220.311(e), 1220.311(f), and 1220.311(g) have been renumbered as §§ 1220.311(d), 1220.311(e), and 1220.311(f) respectively.

Regarding § 1220.311(g) in interim rule, comments received on this section were generally supportive of the amendment to the Order concerning soybeans pledged as collateral for loans issued by the Commodity Credit Corporation and subsequently forfeited in lieu of loan repayment. Two commenters suggested changes in the billing procedure. These comments are not adopted because of the revision to the collection procedure as described below. One commenter suggested that the Commodity Credit Corporation as first purchaser collect and remit assessments on soybeans forfeited in lieu of loan repayment instead of billing the producer. We find this suggestion to have merit and therefore have decided to adopt it in the final rule to amend the Order. Therefore, this section is amended to conform with that decision.

Section 1220.312. Remittance of Assessments and Submission of Reports to United Soybean Board or Qualified State Soybean Board.

Section 1220.312(c). One commenter suggested adding flexibility to this section by allowing first purchasers with multiple facilities to submit a consolidated report to the Qualified State Soybean Board in the State in which the first purchaser's headquarters office is located. Since a headquarters office could include more than one State, we believe that allowing consolidation of reports to include more than one State could cause confusion and make accountability and compliance efforts more difficult. Therefore, this suggestion is not adopted. The commenter also suggested adding, after the first sentence, another sentence which would read "The information required to be submitted on

such forms shall not exceed the information required in § 1220.241." Section 1220.241 does not limit the amount of information that can be required. Therefore, this suggestion is not adopted. The commenter also suggested using the producer's mailing address to determine the State of origin of the soybeans, unless the first purchaser knows or has reason to believe otherwise; for example, soybeans sold in Iowa by a producer whose mailing address is California or in the case of adjoining States where the producer may farm or sell soybeans in more than one State. In these instances the first purchaser is expected to verify the State of origin of the soybeans by asking the producer. We believe that this procedure is consistent with § 1220.223 of the Order and therefore have not addressed it in this final rule.

Additionally, two commenters suggested revising the reporting form to allow first purchasers to provide "net market value of all soybeans purchased" in cases where computer systems are unable to report "number of bushels purchased." This suggested alternative method of reporting purchases appears to provide adequate information to spot check for compliance with reporting requirements of the Act and Order. Therefore, the reporting form will be modified as suggested. First purchasers who have the capability will report the "number of bushels purchased;" those who do not have the capability will report "net market value of all soybeans purchased." One commenter suggested that in rare cases where it is impossible for the first purchaser to provide either the net market value or the number of bushels purchased, the Board should be allowed to waive the monthly reporting requirement and implement a separate procedure. The commenter recommended a procedure in which the first purchaser would, through an independent certified public accountant, submit to the Board on a semiannual basis sufficient documentation that the accounting system utilized by the firm does not provide the information requested on the form. It would also certify that an independent certified public accountant had reviewed the books and records of the first purchaser and had established from that information that all assessments due pursuant to the Act and Order had been collected and remitted. This suggestion is not adopted. First purchasers are required to report either the number of bushels purchased or if they do not have the capability, the net market value of all soybeans purchased.

Section 1220.315. Certification of Non-Producer Status for Certain Transactions.

Two commenters suggested that first purchasers be allowed to file certification of non-producer status by sending a letter once each year to the Board. Under this procedure, the Board would be responsible for collecting the certifications, compiling them into an annual catalog or computer diskette and disseminating a list to all first purchasers requesting one. This is suggested as another alternative to the first purchaser completing the form on a transaction-by-transaction basis or annually. The rules already provide that a non-producer status certification form may be used to cover transactions for a period of up to 12 months if approved by the Board. Another commenter wrote that there are State laws or regulations which require grain dealers to either register or become licensed pursuant to procedures within the particular State. The commenter suggested that the rules and regulations provide, as an option to the non-producer status form, a provision to allow Qualified State Soybean Boards to utilize these registration to licensing provisions as evidence of non-producer status. The rules and regulations provide that the Board may approve other methods upon individual request. Therefore, Qualified State Soybean Boards may request the Board to authorize the use of registration or licensing lists. Therefore, this suggestion is not adopted.

Miscellaneous

Miscellaneous, nonsubstantive changes have been made for clarity. Two commenters suggested modification to the paperwork burden for first purchasers as reported in the Order and the rules and regulations, asserting that the time reported for recordkeeping is underestimated. We believe that our estimates regarding the paperwork burden under the Order and regulations are correct. The Board and the Department have and will continue to make every effort to minimize the burden imposed herein.

Effective Date

Pursuant to 5 U.S.C. 553 it is found and determined that good cause exists for not postponing the effective date of this action until 30 days after publication of this rule in the *Federal Register*. This rule implements the assessment provisions of the Soybean Promotion and Research Order which have been in effect since September 1, 1991, and should become effective as

soon as possible in order to facilitate the collection of assessments.

List of Subjects in 7 CFR Part 1220

Administrative practice and procedure, Advertising, Agricultural research, Marketing agreements, Soybeans and soybean products, Reporting and recordkeeping requirements.

Accordingly, 7 CFR Part 1220 is amended by revising Subpart B to read as follows:

PART 1220—SOYBEAN PROMOTION AND RESEARCH

1. The authority citation for part 1220 continues to read as follows:

Authority: Title XIX, Public Law 101-624, 104 Stat. 3359, 3881 (7 U.S.C. 6301-6311).

2. Subpart B is revised to read as follows:

Subpart B—Rules and Regulations

Sec.

Definitions

1220.301 Terms Defined.

Assessments

1220.310 Assessments.

1220.311 Collection and Remittance of Assessments.

1220.312 Remittance of Assessment and Submission of Reports to United Soybean Board or Qualified State Soybean Board.

1220.313 Qualified State Soybean Boards.

1220.314 Document Evidencing Payment of Assessments.

1220.315 Certification of Nonproducer Status for Certain Transactions.

Refund of Assessments

1220.330 Producer Refund of Assessments.

1220.331 Procedure for Obtaining a Refund.

1220.332 OMB Control Numbers.

Subpart B—Rules and Regulations

Definitions

§ 1220.301 Terms defined.

As used throughout this subpart, unless the context otherwise requires, terms shall have the same meaning as the definition of such terms as appears in subpart A of this part.

Assessments

§ 1220.310 Assessments.

(a) A 0.5 percent of the net market price per bushel assessment on soybeans marketed shall be paid by the producer of the soybeans in the manner designated in § 1220.311.

(b) If more than one producer shares the proceeds received for the soybeans marketed, each such producer is obligated to pay that portion of the

assessments which is equivalent to each producer's proportionate share of the proceeds.

(c) Failure of the first purchaser to collect the assessment on each bushel of soybeans marketed as designated in § 1220.311 shall not relieve the producer of the producer's obligation to pay the assessment to the appropriate Qualified State Soybean Board or the United Soybean Board as required in § 1220.312.

§ 1220.311 Collection and remittance of assessments.

(a) Except as otherwise provided in this section, each first purchaser making payment to a producer for soybeans marketed by a producer shall collect from that producer at the time of settlement of that producer's account an assessment at the rate of 0.5 percent of the net market price per bushel of soybeans marketed and shall be responsible for remitting the assessment to the Qualified State Soybean Board or the United Soybean Board as provided in § 1220.312. The first purchaser shall give to the producer a receipt indicating payment of the assessment. The receipt shall be any document issued by the first purchaser that contains the information requested in § 1220.314(a).

(b) A first purchaser who purchases soybeans pursuant to a contract with a producer, either on a volume basis or on a per acre basis, shall be responsible for remitting the assessment due on soybeans purchased as required in § 1220.312. Such assessment shall be based upon 0.5 percent of the net market price specified or established in the contract and shall be collected at the time of payment to the producer. If the net market price is not specified or established in the contract the assessment shall be based on fair market value as specified in paragraph (c) of this section below.

(c) Any producer marketing processed soybeans or soybean products of that producer's own production either directly or through retail or wholesale outlets shall be responsible for remitting to the Qualified State Soybean Board or the United Soybean Board pursuant to § 1220.312, an assessment on the number of bushels of soybeans processed or manufactured into soybean products at the rate 0.5 percent of the net market price of the soybeans involved or the equivalent thereof. The assessment shall attach upon date of sale of the processed soybeans or soybean products and shall be based upon the posted county price for soybeans on the date of the sale as posted at the local ASCS office for the county in which the soybeans are grown. The producer shall

remit the assessment in the manner provided in § 1220.312.

(d) Any producer marketing processed soybeans or soybean products of that producer's own production shall be responsible for remitting to the Qualified State Soybean Board or the United Soybean Board pursuant to § 1220.312, an assessment on the number of bushels of soybeans processed or manufactured into soybean products at the rate of 0.5 percent of the net market price of the soybeans involved or the equivalent thereof. The assessment shall attach upon the date of final settlement for such processed soybeans or soybean products and shall be based upon the posted county price for soybeans on the date of final settlement as posted at the local ASCS office for the county in which the soybeans are grown. The producer shall remit the assessment in the manner provided in § 1220.312.

(e) A producer delivering soybeans of the producer's own production against a soybean futures contract shall be responsible for remitting an assessment at the rate of 0.5 percent of net market price as specified in settlement documents. The assessment shall attach at the time of delivery and the producer shall remit the assessment due in accordance with § 1220.312.

(f) A producer who forfeits soybeans of that producer's own production which were pledged as collateral on a loan issued by Commodity Credit Corporation shall pay an assessment. The assessment shall attach upon the date the settlement statement is prepared and issued to the producer by the Commodity Credit Corporation and shall be 0.5 percent of the principal amount of the loan for the soybeans as specified by Commodity Credit Corporation in the settlement statement. The Commodity Credit Corporation shall collect the assessment and then remit the assessment due in accordance with § 1220.312.

§ 1220.312 Remittance of assessments and submission of reports to United Soybean Board or Qualified State Soybean Board.

(a) Each first purchaser and each producer responsible for the remittance of assessments shall remit assessments and submit a report of assessments to the Qualified State Soybean Board in the State in which each first purchaser or each producer responsible for the remittance of assessments is located or if there is no Qualified State Soybean Board in such State, then to the United Soybean Board as provided in this section.

(b) First purchasers and producers responsible for remitting assessments

shall remit assessments and reports on a monthly or quarterly basis depending on the State or region in which the first purchasers or producers are located. The reporting period for each State and region shall be as follows:

Monthly	Quarterly
Arkansas	Alabama
Delaware	Florida
Iowa	Georgia
Kansas	Illinois
Kentucky	Indiana
Louisiana	Maryland
Michigan	North Dakota
Minnesota	Nebraska
Missouri	New Jersey
Mississippi	Ohio
North Carolina	Oklahoma
South Carolina	Pennsylvania
Tennessee	South Dakota
Texas	
Virginia	
Wisconsin	
Eastern Region	
Western Region	

(c) *Reports.* Each first purchaser or producer responsible for remitting assessments shall make reports on forms made available by the United Soybean Board or on Qualified State Soybean Board forms which contain the information required in § 1220.241 and are approved by the Board. A first purchaser with multiple facilities or purchasing locations within a State shall have the option to submit a single, consolidated report specifying the combined volume of soybeans purchased or the net market value of all soybeans purchased from the producers in the State. Reports shall be submitted with assessments due in accordance with the provisions of paragraph (d) of this section.

(d) *Remittances.* Each first purchaser or producer responsible for remitting assessments shall remit all assessments to the Qualified State Soybean Board, its designee, or the United Soybean Board. All assessments shall be remitted in the form of a check or money order payable to the order of the applicable Qualified State Soybean Board or the United Soybean Board and shall be sent to the designated address not later than the 15th day of the month following the month or quarter in which the soybeans, processed soybeans, or soybean products were marketed and shall be accompanied by the reports required by paragraph (c) of this section. All remittances shall be received subject to collection and payment at par.

(e) *Receipt of Reports and Remittances.* The timeliness of receipt of reports and assessments by the Board or Qualified State Soybean Board shall be based on the applicable postmark

date or the date actually received by the Board or the Qualified State Soybean Board whichever is earlier.

§ 1220.313 Qualified State Soybean Boards.

The following State soybean promotion organizations shall be Qualified State Soybean Boards. First purchasers and producers responsible for remitting assessments located in States which have a Qualified State Soybean Board shall remit assessments accompanied by the required reports to the Qualified State Soybean Board in the State in which the first purchaser or producer responsible for remitting assessments is located.

- (1) Alabama Soybean Producers Board
- (2) Arkansas Soybean Promotion Board
- (3) Delaware Soybean Board
- (4) Florida Soybean Advisory Council
- (5) Georgia Agricultural Commodity Commission for Soybeans
- (6) Illinois Soybean Program Operating Board
- (7) Iowa Soybean Promotion Board
- (8) Indiana Soybean Development Council, Inc.
- (9) Kansas Soybean Commission
- (10) Kentucky Soybean Promotion Board
- (11) Louisiana Soybean Promotion Board
- (12) Maryland Soybean Board
- (13) Soybean promotion Committee of Michigan
- (14) Minnesota Soybean Research and Promotion Council
- (15) Mississippi Soybean Promotion Board
- (16) Missouri Soybean Merchandising Council
- (17) Nebraska Soybean Development, Utilization, and Marketing Board
- (18) New Jersey Soybean Board
- (19) North Carolina Soybean Producers Association
- (20) North Dakota Soybean Council
- (21) Ohio Soybean Council Board of Trustees
- (22) Oklahoma Soybean Commission
- (23) Pennsylvania Soybean Board
- (24) South Carolina Soybean Board
- (25) South Dakota Soybean Research and Promotion Council
- (26) Tennessee Soybean Promotion Board
- (27) Texas Soybean Producers Board
- (28) Virginia Soybean Board
- (29) Wisconsin Soybean Marketing Board, Inc.

§ 1220.314 Document evidencing payment of assessments.

(a) Each first purchaser responsible for remitting an assessment to a Qualified State Soybean Board or the United Soybean Board is required to give to the producer from whom the first purchaser collected an assessment written evidence of payment of the assessment containing the following information:

- (1) Name and address of the first purchaser.
- (2) Name of producer who paid assessment.

- (3) Number of bushels sold.
- (4) Net market price.
- (5) Total assessments paid by the producer.
- (6) Date.
- (7) State in which soybeans were grown.
- (b) [Reserved.]

§ 1220.315 Certification of non-producer status for certain transactions.

(a) A person marketing soybeans, processed soybeans, or soybean products on which an assessment has been collected may claim non-producer status and shall not be required to pay an assessment if such person certifies to the purchaser that the assessment has been collected and remitted or will be remitted in a timely fashion.

(b) Each person claiming nonproducer status pursuant to this subpart shall provide purchasers with a Statement of Certification of Nonproducer Status on a form approved by the Board and the Secretary. A Statement of Certification of Non-Producer Status form shall be required for each transaction except that one such form, if approved by the Board, may be used to cover all transactions during a specified period not to exceed 12 consecutive months. The Board is authorized to approve a stamp process for providing such certification on invoices or other methods of such certification upon individual written requests. Forms and information on requirements for stamps and other methods of certification can be obtained from the Board.

(c) A copy of the Statement of certification of Non-Producer Status shall be forwarded, upon request, by the subsequent purchasers to the Qualified State Soybean Board or the Board.

Refund of Assessments

§ 1220.330 Producer refund of assessments.

(a) *Assessments paid prior to continuance referendum.* (1) Any producer from whom an assessment is collected prior to the date the continuance referendum results are announced and remitted to a Qualified State Soybean Board or the United Soybean Board, or who pays an assessment to a Qualified State Soybean Board or to the United Soybean Board, and who is not in favor of supporting the promotion and research program as provided for in this part shall have the right to demand and receive from the Qualified State Soybean Board to which the assessment was paid subject to paragraph (a)(2) of this section, or the Board, a refund of such assessment upon submission of

proof satisfactory to the Qualified State Soybean Board or Board that the producer paid the assessment for which a refund is sought.

(2) Contributions by a producer to a Qualified State Soybean Board for which the producer has received credit pursuant to § 1220.223(a)(3) of this part shall not be refunded by a Qualified State Soybean Board unless:

(i) The Qualified State Soybean Board is authorized or required to pay refunds; and

(ii) The producer has requested a refund from the Qualified State Soybean Board in compliance with the State's procedure for refunds.

(3) Producers shall submit refund requests to the Qualified State Soybean Board in the State in which the soybeans were grown. If there is not a Qualified State Soybean Board operating in such State, the producer shall submit refund requests to the United Soybean Board.

(b) *Assessments paid after the conduct of the continuance referendum.* [Reserved.]

§ 1220.331 Procedure for obtaining a refund.

(a) Any producer requesting a refund shall mail an application on the prescribed form to the Qualified State Soybean Board in the State in which the soybeans were grown or if there is no qualified State Soybean Board in the State, to the Board within ninety (90) days from the date the assessments were due from such producer.

(b) In order to receive a refund pursuant to this subpart, a producer must attach to the refund application a copy of the document evidencing payment provided by the first purchaser to the producer as required by § 1220.314. Such refund request must be submitted pursuant to §§ 1220.224 and 1220.225 of this part.

(c) In those States in which a Qualified State Soybean Board operates and is required to pay refunds pursuant to State law such refunds will be paid pursuant to such State law. In those States in which refunds are not required by State law, refund requests shall be paid by the qualified State Soybean Board or the United Soybean Board within sixty (60) days of receipt of the refund request by the Qualified State Soybean Board or the United Soybean Board. Refunds shall be paid in a manner consistent with § 1220.224 of this part.

§ 1220.332 OMB control numbers.

The control number assigned to the information collection requirements by

the Office of Management and Budget (OMB) pursuant to the Paperwork Reduction Act of 1980, Public Law 96-511, is OMB number 0581-0093, except Board member nominee information sheets are assigned OMB Number 0505-0001.

Done at Washington, DC, June 25, 1992.

Jo Ann R. Smith,

Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 92-15552 Filed 7-1-92; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 26901; Amdt. No. 1497]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: *Effective:* An effective date for each SIAP is specified in the amendatory provisions.

Incorporation by reference—approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591;
2. The FAA Regional Office of the region in which the affected airport is located; or
3. The Flight Inspection Field Office which originated the SIAP.

For Purchase—

Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA-200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or
2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—

Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

FOR FURTHER INFORMATION CONTACT: Paul J. Best, Flight Procedures Standards Branch (AFS-420), Technical Programs Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 267-8277.

SUPPLEMENTARY INFORMATION: This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of the Federal Aviation Regulations (FAR). The applicable FAA Forms are identified as FAA Forms 8260-3, 8260-4, and 8260-5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the *Federal Register* expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendment to part 97 is effective upon publication of each separate SIAP as contained in the transmittal. Some SIAP amendments may have been previously issued by the FAA in a

National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these SIAPs, the TERPs criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are unnecessary, impracticable, and contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air traffic control, Airports, Incorporation by reference, Navigation (Air), Standard instrument approaches, Weather. Issued in Washington, DC on June 19, 1992.

Thomas C. Accardi,

Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 97 of the Federal Aviation Regulations (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standards Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. App. 1348, 1354(a), 1421 and 1510; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.49(b)(2).

§§ 97.23, 97.25, 97.27, 97.29, 97.31, 97.33, and 97.35. [Amended]

Part 97 is amended to read as follows:

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, ISMLS, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, identified as follows:

* * * Effective October 15, 1992

Wheeling, WV, Wheeling Ohio Co., VOR RWY 21, Amdt. 14
Wheeling, WV, Wheeling Ohio Co., ILS RWY 3, Amdt. 20

* * * Effective August 20, 1992

Dillingham, AK, Dillingham, LOC/DME RWY 19, Amdt. 4
Dillingham, AK, Dillingham, NDB RWY 1, Orig.
McGrath, AK, McGrath, VOR/DME-C, Orig.
El Monte, CA, El Monte, VOR/DME-B, Amdt. 2
Los Angeles, CA, Los Angeles Intl, ILS RWY 24L, Amdt. 20
Los Angeles, CA, Los Angeles Intl, ILS RWY 25L, Amdt. 3
Los Angeles, CA, Los Angeles Intl, ILS RWY 25R, Amdt. 6
Ontario, CA, Ontario Intl, ILS RWY 8L, Amdt. 7
Riverside, CA Riverside Muni, ILS RWY 9, Amdt. 6
San Diego, CA, Brown Field Muni, VOR-A, Amdt. 3
Santa Monica, CA, Santa Monica Muni, VOR-A, Amdt. 8
Monticello, IA, Monticello Municipal, NDB-A, Amdt. 3
Monticello, IA, Monticello Municipal, VOR/DME RNAV RWY 31, Amdt. 1
Vinton, IA—Vinton Veterans Mem Arpk, NDB RWY 27, Amdt. 3
Washington, IA, Washington Muni, NDB RWY 31, Orig.
Hutchinson, KS, Hutchinson Muni, VOR RWY 3, Amdt. 18
Hutchinson, KS, Hutchinson Muni, VOR/DME RWY 21, Amdt. 5
Hutchinson, KS, Hutchinson Muni, LOC BC RWY 31, Amdt. 13
Hutchinson, KS, Hutchinson Muni, NDB RWY 13, Amdt. 14
Hutchinson, KS, Hutchinson Muni, ILS RWY 13, Amdt. 15
Mankato, MN, Mankato Muni, VOR RWY 33, Amdt. 6
Mankato, MN, Mankato Muni, VOR RWY 15, Amdt. 5
Mankato, MN, Mankato Muni, VOR/DME RWY 15, Amdt. 1, Cancelled
Mankato, MN, Mankato Muni, VOR/DME RWY 33, Amdt. 1, Cancelled

Mankato, MN, Mankato Muni, LOC RWY 33, Amdt. 2, Cancelled
Mankato, MN, Mankato Muni, ILS RWY 33, Orig.
Scottsbluff, NE, William B. Heilig Field, VOR/DME RWY 5, Amdt. 3
Scottsbluff, NE, William B. Heilig Field, LOC BC RWY 12, Amdt. 7
Scottsbluff, NE, William B. Heilig Field, NDB RWY 12, Amdt. 7
Scottsbluff, NE, William B. Heilig Field, RNAV RWY 12, Amdt. 3, Cancelled
Scottsbluff, NE, William B. Heilig Field, RNAV RWY 30, Amdt. 3, Cancelled
Newark, NJ, Newark Intl., ILS RWY 22L, Amdt. 8
Stillwater, OK, Stillwater Muni, VOR RWY 17, Amdt. 12
Morgantown, WV, Morgantown Muni—Walter L. Bill Hart Field, VOR/DME RWY 18, Amdt. 6
Morgantown, WV, Morgantown Muni—Walter L. Bill Hart Field, NDB RWY 18, Amdt. 15
Morgantown, WV, Morgantown Muni—Walter L. Bill Hart Field, ILS RWY 18, Amdt. 9

* * * Effective July 23, 1992

Indianapolis, IN, Indianapolis Intl, VOR RWY 14, Amdt. 24
Indianapolis, IN, Indianapolis Intl, NDB RWY 5L, Amdt. 20
Indianapolis, IN, Indianapolis Intl, NDB RWY 5R, Amdt. 1
Indianapolis, IN, Indianapolis Intl, NDB RWY 23L, Amdt. 1
Indianapolis, IN, Indianapolis Intl, NDB RWY 32, Amdt. 14
Indianapolis, IN, Indianapolis Intl, ILS RWY 5L, Amdt. 23
Indianapolis, IN, Indianapolis Intl, ILS RWY 5R, Amdt. 1
Indianapolis, IN, Indianapolis Intl, ILS RWY 14, Amdt. 3
Indianapolis, IN, Indianapolis Intl, ILS RWY 23L, Amdt. 1
Indianapolis, IN, Indianapolis Intl, ILS RWY 23R, Amdt. 8
Indianapolis, IN, Indianapolis Intl, ILS RWY 32, Amdt. 17
Indianapolis, IN, Indianapolis Intl, RADAR-1, Amdt. 29
Port Huron, MI, St. Clair County Intl, VOR/DME-A, Amdt. 6
Port Huron, MI, St. Clair County Intl, NDB RWY 4, Amdt. 9, Cancelled
Port Huron, MI, St. Clair County Intl, NDB RWY 4, Orig.
Port Huron, MI, St. Clair County Intl, ILS RWY 4, Orig.
Port Huron, MI, St. Clair County Intl, RNAV RWY 4, Orig., Cancelled
Port Huron, MI, St. Clair County Intl, VOR/DME RNAV RWY 22, Amdt. 1
Portsmouth, NH, Pease Intl Tradeport, VOR/DME or TACAN RWY 16, Orig.
Portsmouth, NH, Pease Intl Tradeport, VOR/DME or TACAN RWY 34, Orig.
Hartford, WI, Hartford Muni, VOR-A, Amdt. 5
Hartford, WI, Hartford Muni, NDB RWY 11, Amdt. 4

[FR Doc. 92-15292 Filed 7-1-92; 8:45 am]
BILLING CODE 4910-13-M

14 CFR Part 97

[Docket No. 26890; Amdt. No. 1496]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: *Effective:* An effective date for each SIAP is specified in the amendatory provisions.

Incorporation by reference—approved by the director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

ADDRESSES: Availability of matter incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591;
2. The FAA Regional Office of the region in which affected airport is located; or
3. The Flight Inspection Field Office which originated the SIAP.

For Purchase—

Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA-200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or
2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—

Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, US Government Printing Office, Washington, DC 20402.

FOR FURTHER INFORMATION CONTACT: Paul J. Best, Flight Procedures Standards Branch (AFS-420), Technical Programs

Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 267-8277.

SUPPLEMENTARY INFORMATION: This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs). The complete regulatory description on each SIAP is contained in the appropriate FAA Form 8260 and the National Flight Data Center (FDC)/Permanent (P) Notices to Airmen (NOTAM) which are incorporated by reference in the amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of the Federal Aviation Regulations (FAR). Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the *Federal Register* expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction of charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. The Provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

The Rule

This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes SIAPs. For safety and timeliness of change considerations, this amendment incorporates only specific changes contained in the content of the following FDC/P NOTAM for each SIAP. The SIAP information in some

previously designated FDC/Temporary (FDC/T) NOTAMs is of such duration as to be permanent. With conversion to FDC/P NOTAMs, the respective FDC/T NOTAMs have been cancelled.

The FDC/P NOTAMs for the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these chart changes to SIAPs by FDC/P NOTAMs, the TERPs criteria were applied to only those specific conditions existing at the affected airports.

This amendment to part 97 is effective upon publication of each separate SIAP as contained in the transmittal. All SIAP amendments in this rule have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for all these SIAP amendments requires making them effective in less than 30 days.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are unnecessary, impracticable, and contrary to the public interest and, where applicable, that good cause exists for making these SIAPs effective in less than 30 days.

Conclusion

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44

FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air traffic control, Airports, Incorporation by reference, Navigation (Air), Standard instrument approaches, Weather.

Issued in Washington, DC, on June 5, 1992.

Thomas C. Accardi,

Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 97 of the Federal Aviation Regulations (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. App. 1348, 1354(a), 1421 and 1510; 49 U.S.C. 106(g) (revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.49(b)(2).

§§ 97.23, 97.25, 97.27, 97.29, 97.31, 97.33, 97.35 [Amended]

2. Part 97 is amended to read as follows:

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, ISMLS, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, identified as follows:

NFDC TRANSMITTAL LETTER

Effective	State	City	Airport	FDC No.	SIAP
04/28/92	KS	Concordia	Blosser Muni	FDC 2/2352	NDB RWY 17 AMDT 1...
05/21/92	WV	Charleston	Yeager	FDC 2/2922	ILS RWY 23 AMDT 27...
05/26/92	LA	Lake Charles	Lake Charles Regional	FDC 2/2988	RNAV RWY 23 AMDT 3...
05/26/92	MD	Baltimore	Baltimore-Washington Intl	FDC 2/2981	VOR/DME RWY 4 AMDT 1...
05/26/92	MD	Baltimore	Baltimore-Washington Intl	FDC 2/2982	RNAV RWY 22 AMDT 6...
05/26/92	MD	Baltimore	Baltimore-Washington Intl	FDC 2/2984	VOR RWY 10 AMDT 14...
05/26/92	MD	Baltimore	Baltimore-Washington Intl	FDC 2/2985	VOR RWY 28 AMDT 21...
05/26/92	MD	Baltimore	Baltimore-Washington Intl	FDC 2/2986	ILS RWY 10 (CAT I AND CAT II) AMDT 14...
05/26/92	MD	Baltimore	Baltimore-Washington Intl	FDC 2/2987	ILS RWY 15R AMDT 12...
05/26/92	MD	Baltimore	Baltimore-Washington Intl	FDC 2/2990	ILS RWY 33L AMDT 5...
05/28/92	AK	Homer	Homer	FDC 2/3042	NDB RWY 3 AMDT 2A...
05/28/92	AK	Petersburg	Petersburg	FDC 2/3041	LDA/DME-D AMDT 5A...

NFDC TRANSMITTAL LETTER—Continued

Effective	State	City	Airport	FDC No.	SIAP
05/29/92	MA	Boston	General Edward Lawrence Logan Intl.	FDC 2/3052	ILS RWY 4R AMDT 7...
05/29/92	OR	North Bend	North Bend Muni.	FDC 2/3054	ILS RWY 4 AMDT 4...
05/29/92	SC	Hartsville	Hartsville Muni.	FDC 2/3075	NDB RWY 20 AMDT 3...
06/02/92	AL	Cullman	Folsom Field	FDC 2/3152	NDB RWY 19 AMDT 2...
06/02/92	MD	Baltimore	Baltimore-Washington Intl.	FDC 2/3133	ILS RWY 28 AMDT 7...
06/03/92	AK	Kotzebue	Kotzebue/Ralph Wein Memorial	FDC 2/3156	VOR/DME RWY 26 AMDT 1...
06/03/92	AK	Kotzebue	Kotzebue/Ralph Wein Memorial	FDC 2/3157	VOR RWY 26 AMDT 2...
06/03/92	WA	Seattle	Seattle-Tacoma Intl.	FDC 2/3140	ILS RWY 34L AMDT 1...

NFDC Transmittal Letter Attachment

Petersburg

Petersburg

Alaska

LDA/DME-D AMDT 5A...

Effective: 05/28/92

FDC 2/3041/PSG/ FI/P Petersburg, Petersburg, AK. LDA/DME-D AMDT 5A... Change ALTN MINS TO...CATS A/B 2000-4, C 2000-5. ALTN MINS NA WHEN Petersburg Weather not Avbl. This Becomes LDA/DME-D AMDT 5B.

Homer

Homer

Alaska

NDB RWY 3 AMDT 2A...

Effective: 05/28/92

FDC 2/3042/HOM/ FI/P Homer, Homer, AK. NDB RWY 3 AMDT 2A...Change ALTN MINS to Read...CATS A/B 1100-2, C/D 1100-3. ALTN MINS NA When Homer Weather not Avbl. This Becomes NDB RWY 3 AMDT 2B.

Kotzebue

Kotzebue/Ralph Wein Memorial

Alaska

VOR/DME RWY 26 AMDT 1...

Effective: 06/03/92

FDC 2/3156/OTZ/ FI/P Kotzebue/Ralph Wein Memorial, Kotzebue, AK. VOR/DME RWY 26 AMDT 1...Change RVR to VIS Value...S-26 CAT A/B 1; C/D 1 1/4. This becomes VOR/DME RWY 26 AMDT 1A.

Kotzebue

Kotzebue/Ralph Wein Memorial

Alaska

VOR RWY 26 AMDT 2...

Effective: 06/03/92

FDC 2/3157/OTZ/ FI/P Kotzebue/Ralph Wein Memorial, Kotzebue, AK. VOR RWY 26 AMDT 2...Change RVR to vis Value...S-26 CAT A/B 1; DME MIN S-26 CAT A/B 1, C 1 1/4. This becomes VOR RWY 26 AMDT 2A.

Cullman

Folsom Field

Alabama

NDB RWY 19 AMDT 2...

Effective: 06/02/92

FDC 2/3132/3A1/ FI/P Folsom Field, Cullman, AL. NDB RWY 19 AMDT 2...Change all references...RWY 1-19 to 2-20. This becomes NDB RWY 20 AMDT 2A.

Concordia

Blosser Muni

Kansas

NDB RWY 17 AMDT 1...

Effective: 04/28/92

FDC 2/2352/CNK/ FI/P Blosser Muni, Concordia, KS. NDB RWY 17 AMDT 1...SI-17 MDA/HAT CATS A/B/C 2100/618, VIS CAT C 1 1/4. Circling MDA/HAA CATS A/B/C 2100/614, VIS CAT C 1 1/4. This becomes NDB RWY 17 AMDT 1A.

Lake Charles

Lake Charles Regional

Louisiana

RNAV RWY 23 AMDT 3...

Effective: 05/26/92

FDC 2/2988/LCH/ FI/P Lake Charles Regional, Lake Charles, LA. RNAV RWY 23 AMDT 3...Delete ARTEL INT and TRML RTE from ARTEL to FRETO WP. This becomes RNAV RWY 23 AMDT 3A.

Boston

General Edward Lawrence Logan Intl

Massachusetts

ILS RWY 4R AMDT 7...

Effective: 05/29/92

FDC 2/3052/BOS/ FI/P General Edward Lawrence Logan Intl Boston, MA. ILS RWY 4R AMDT 7...DELETE NOTE CAT D S-LOC Visibility increased RVR 5000 for inoperative MM. ILS RWY 4R AMDT 7, ILS RWY 4R CAT II AMDT 7, and ILS RWY 4R CAT III AMDT 7...TCH 47 feet. This is ILS RWY 4R, ILS RWY 4R CAT II, and ILS RWY 4R CAT III AMDT 7A.

Baltimore

Baltimore-Washington Intl

Maryland

VOR/DME RWY 4 AMDT 1...

Effective: 05/26/92

FDC 2/2981/BWI/ FI/P Baltimore-Washington Intl, Baltimore, MD. VOR/DME RWY 4 AMDT 1...CIRCLING CAT

D MDA/HAA 740/594. This becomes VOR/DME RWY 4 AMDT 1A.

Baltimore

Baltimore-Washington Intl

Maryland

RNAV RWY 22 AMDT 6...

Effective: 05/26/92

FDC 2/2982/BWI/ FI/P Baltimore-Washington Intl, Baltimore, MD. RNAV RWY 22 AMDT 6...Circling CAT D MDA/HAA 740/594. This becomes RNAV RWY 22 AMDT 6A.

Baltimore

Baltimore-Washington Intl

Maryland

VOR RWY 10 AMDT 14...

Effective: 05/26/92

FDC 2/2984/BWI/ FI/P Baltimore-Washington Intl, Baltimore, MD. VOR RWY 10 AMDT 14...DME MINS...Circling CAT D MDA/HAA 740/594. This becomes VOR RWY 10 AMDT 14A.

Baltimore

Baltimore-Washington Intl

Maryland

VOR RWY 28 AMDT 21...

Effective: 05/26/92

FDC 2/2985/BWI/ FI/P Baltimore-Washington Intl, Baltimore, MD. VOR RWY 28 AMDT 21...Circling CAT D MDA/HAA 740/594. This becomes VOR RWY 28 AMDT 21A.

Baltimore

Baltimore-Washington Intl

Maryland

ILS RWY 10 (CAT 1 AND CAT II)

AMDT 14...

Effective: 05/26/92

FDC 2/2986/BWI/ FI/P Baltimore-Washington Intl, Baltimore, MD. ILS RWY 10 (CAT I and CAT II) AMDT 14...Change ILS ALTN MINS to standard. This becomes ILS RWY 10 (CAT I AND CAT II) AMDT 14A.

Baltimore

Baltimore-Washington Intl

Maryland

ILS RWY 15R AMDT 12...

Effective: 05/26/92

FDC 2/2987/BWI/ FI/P Baltimore-Washington Intl, Baltimore, MD. ILS RWY 15R AMDT 12...Change ILS ALTN MINS to standard. This becomes ILS RWY 15R AMDT 12A.

Baltimore

Baltimore-Washington Intl
Maryland

ILS RWY 33L AMDT 5...
Effective: 05/26/92

FDC 2/2990/BWI/ FI/P Baltimore-Washington Intl, Baltimore, MD. ILS RWY 33L AMDT 5...Circling CAT D MDA/HAA 740/594. Change ILS ALTN MINS to standard. Delete Notes CAT D...thru...MM. This becomes ILS RWY 33L AMDT 5A.

Baltimore

Baltimore-Washington Intl
Maryland

ILS RWY 28 AMDT 7...
Effective: 06/02/92

FDC 2/3133/BWI/ FI/P Baltimore-Washington Intl, Baltimore, MD. ILS RWY 28 AMDT 7...Circling CAT D MDA/HAA 740/594. Change ALTN MIN TO...standard. This becomes ILS RWY 28 AMDT 7A.

North Bend

North Bend Muni
Oregon

ILS RWY 4 AMDT 4...
Effective: 05/29/92

FDC 2/3054/OTH/ FI/P North Bend Muni, North Bend, OR. ILS RWY 4 AMDT 4...Change distance FAF TO MAP 2.0 NM. MAP...ILS AT THE DH LOC 2.0 miles after passing Emire LOM. Change missed APCH to read climb to 500 then climbing left turn to 1800 direct Emire LOM and hold (Hold SW LT 043 inbound). This becomes ILS RWY 4 AMDT 4A.

Hartsville

Hartsville Muni
South Carolina

NDB RWY 20 AMDT 3...
Effective: 05/29/92

FDC 2/3075/HVS/ FI/P Hartsville Muni, Hartsville, SC. NDB RWY 20 AMDT 3...Change all references RWY 2-20 TO 3-21. This becomes NDB RWY 21 AMDT 3A.

Seattle

Seattle-Tacoma Intl
Washington

ILS RWY 34L AMDT 1...
Effective: 06/03/92

FDC 2/3140/SEA/ FI/P Seattle-Tacoma Intl, Seattle, WA. ILS RWY 34L AMDT 1...Delete check INT AS IAF, facts INT /I-TUC 17.1 DME/ becomes IAF MIN ALT at facts INT /I-TUC 17.1 DME/5000. MIN ALT from facts INT /I-

TUC 17.1 DME/ TO MILIT INT /I-TUC 11 DME/3000. This becomes ILS RWY 34L AMDT 1A.

Charleston

Yeager
West Virginia

ILS RWY 23 AMDT 27...
Effective Date: 05/21/92

FDC 2/2922 CRW/ FI/P Yeager, Charleston, WV. ILS RWY 23 AMDT 27...Delete Notes ... GS UNUSBL beyond 3 DEGS right of LOC CRS and GS UNUSBL BLO 1100 FT. This becomes ILS RWY 23 AMDT 27A.

[FR Doc. 92-15558 Filed 7-1-92; 8:45 am]

BILLING CODE 4910-13-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[FRL-4149-6]

Utah; Final Authorization of State Hazardous Waste Management Program

AGENCY: Environmental Protection Agency.

ACTION: Affirmation of immediate final rule.

SUMMARY: This document responds to comments received on the immediate final rule published May 15, 1992 (57 FR 20770) and affirms the agency's decision to authorize Utah's revised program for hazardous waste management pursuant to 40 CFR 271.21(b)(3).

EFFECTIVE DATE: This decision is effective on July 14, 1992.

FOR FURTHER INFORMATION CONTACT: Marcella DeVargas, Waste Management Branch, U.S. EPA, 999 18th Street, suite 500, Denver, CO 80202-2405, Phone: 303/293-1670.

SUPPLEMENTARY INFORMATION: On May 15, 1992, EPA published an immediate final rule pursuant to 40 CFR 271.21(b)(3) at 57 FR 20770 which announced the agency's decision to authorize Utah's revisions to its hazardous waste program for non-HSWA cluster 4 and portions of HSWA cluster 2. Adverse public comments were received during the public comment period provided by this rulemaking. After considering the comments received, the Regional Administrator has decided to affirm his decision to authorize the State of Utah for the aforementioned program revisions. The following is a summary of the adverse comments received by EPA and the EPA Regional Administrator's response to them.

Comment: What is the "functional equivalent" of NEPA and what regulations does the State of Utah need fulfill of the NEPA requirement if RCRA is to be a "functional equivalent" thereof?

EPA Response: The National Environmental Policy Act is a federal law that requires federal agencies to incorporate environmental considerations in their planning and decisionmaking. Federal courts have held that the RCRA process is the "functional equivalent" to NEPA and the EIS process. Since the RCRA process is the functional equivalent to NEPA, the State of Utah's RCRA process will also serve as the functional equivalent to NEPA. However, if a hazardous waste facility to be located in Utah requires the approval of a Federal agency (e.g. Bureau of Land Management) then NEPA will apply and an environmental impact statement may be required.

Comment: The definition of solid and hazardous waste needs to be the same throughout the region.

EPA Response: The Solid Waste Disposal Act, as amended, (section 3006) establishes the basic standards that a State hazardous waste program must meet in order to qualify for authorization. The State program: must be "equivalent to the Federal program; may not impose any requirements "less stringent" than the Federal requirements; and, must be consistent with the Federal program and other State programs. EPA further interpreted these statutory requirements by promulgating regulations at 40 CFR part 271. It is important to note that a State may make its program more stringent than the Federal program and still be eligible for authorization (section 3009), unless in doing so the State's program becomes inconsistent with the Federal program. In this case, the State of Utah definition of solid and hazardous waste meets the standards established by RCRA section 3006.

Comment: The risk assessments of RCRA need to be developed in such a way that Utah does not use them as a "checklist".

EPA Response: This comment is difficult to address because it does not identify any specific deficiency in the application regarding permitting procedures. This application is not amending any permitting procedures associated with risk assessments.

Comment: Engineering documents are reviewed by engineers-in-training. The Department of Environmental Quality has no P.E.

EPA Response: The Department of Environmental Quality has three

engineers who are licensed professional engineers. One of these three is the manager of the Hazardous Waste Permitting Section. All engineers on the staff have received engineering degrees from approved colleges and universities and are qualified to perform the required engineering responsibilities.

Comment: The State of Utah does not have the ability to guarantee that the RCRA requirements will be met. No continuous monitoring of specific compounds is planned which can guarantee or demonstrate compliance with the DRE requirements.

EPA Response: EPA has determined that the permitting requirements and procedures in the hazardous waste program including DRE requirements, monitoring, and inspection data in Utah are equivalent to EPA requirements. The agency in its rulemaking on incinerators has determined that continuous emission monitors are effective performance measurement indicators. Such indicators assure day-to-day operation of incinerator destruction technology which is protective of human health and environment.

Compliance With Executive Order 12291

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 4 U.S.C. 605(b), I hereby certify that this action will not have a significant economic impact on a substantial number of small entities. It merely reaffirms a decision to authorize revisions to Utah's program. This rule, therefore, does not require a regulatory flexibility analysis.

List of Subjects in 40 CFR Part 271

Administrative practice and procedure, Confidential business information, Hazardous materials transportation, Hazardous waste Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Water pollution control, Water supply.

Authority: This notice is issued under the authority of Sections 2002(a), 3006 and 7004(b) of the Solid Waste Disposal Act as amended 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: June 25, 1992.

Jack W. McGraw,

Acting Regional Administrator.

[FR Doc. 92-15610 Filed 7-1-92; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 630

[Docket No. 910640-1140]

Atlantic Swordfish Fishery

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Closure of the drift gillnet fishery.

SUMMARY: NMFS closes the drift gillnet fishery for swordfish from the North Atlantic swordfish stock. NMFS has determined that the quota for swordfish that may be harvested by drift gillnet during the period July 1 through December 31, 1992, will be reached on or before July 7, 1992. This closure is necessary to protect the swordfish resource.

EFFECTIVE DATES: Closure is effective July 8, 1992, through December 31, 1992.

FOR FURTHER INFORMATION CONTACT: Richard B. Stone, 301-713-2347.

SUPPLEMENTARY INFORMATION: The Atlantic swordfish fishery is managed under the Fishery Management Plan for Atlantic Swordfish and its implementing regulations at 50 CFR part 630 under the authority of the Magnuson Fishery Conservation and Management Act and the Atlantic Tunas Convention Act. The implementing regulations set a swordfish quota that may be harvested by drift gillnet during the semi-annual period July 1 through December 31.

Under 50 CFR 630.25(a)(1), NMFS is required to close the drift gillnet fishery for swordfish when its quota is reached, or is projected to be reached, by publishing a notice in the *Federal Register*. Such closure may not be effective until at least 8 days after the notice is filed with the Office of the Federal Register. NMFS has determined that the drift gillnet swordfish quota will be reached on or before July 7, 1992. Accordingly, the drift gillnet fishery for Atlantic swordfish is closed effective 0001 hours, local time, July 8, 1992, through December 31, 1992. An additional quota becomes available for the drift gillnet fishery on January 1, 1993.

During this closure of the drift gillnet fishery, aboard a vessel using or having aboard a drift gillnet: (1) A person may not fish for swordfish from the North Atlantic swordfish stock; and (2) no more than two swordfish per trip may be possessed in the North Atlantic Ocean, including the Gulf of Mexico and Caribbean Sea, north of 5°N. latitude, or

landed in an Atlantic, Gulf of Mexico, or Caribbean coastal state. A swordfish in or from the North Atlantic Ocean, including the Gulf of Mexico and Caribbean Sea, north of 5°N. latitude, may not be transferred at sea.

Classification

This action is required by 50 CFR 630.25(a)(1) and complies with E.O. 12291.

Authority: 16 U.S.C. 1801 *et seq* and 16 U.S.C. 971 *et seq*.

List of Subjects in 50 CFR Part 630

Fisheries, Fishing, Reporting and recordkeeping requirements, Treaties.

Dated: June 26, 1992.

Richard H. Schaefer,

Director of Office of Fisheries, Conservation and Management, National Marine Fisheries Service.

[FR Doc. 92-15494 Filed 6-26-92; 4:52 pm]

BILLING CODE 3510-22-M

50 CFR Part 658

Shrimp Fishery of the Gulf of Mexico

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Adjustment of the ending date of the Texas closure.

SUMMARY: NMFS announces an adjustment of the ending date of the annual closure of the shrimp fishery in the exclusive economic zone (EEZ) off Texas. The closure is normally from May 15 to July 15 each year. It began on May 15, 1992, but is scheduled to end early, on July 6, 1992, because initial biological data indicate that brown shrimp leaving the Texas estuaries will have reached the desired size by the date.

EFFECTIVE DATES: The EEZ off Texas is closed to trawl fishing from 30 minutes after sunset, May 15, 1992, to 30 minutes after sunset, July 6, 1992.

FOR FURTHER INFORMATION CONTACT: Michael E. Justen, 813-893-3161.

SUPPLEMENTARY INFORMATION: The Gulf of Mexico shrimp fishery is managed under the Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico, under authority of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*). The implementing regulations at 50 CFR part 658 describe the Texas closure and provide for adjustments to the closing and opening dates by the Director, Southeast Region, NMFS, under specified criteria.

Available information meeting the criteria specified at § 658.25(b)(1) indicates that an early opening of the closure is warranted and desirable. Biological data collected by the Texas Parks and Wildlife Department indicate that an opening on July 6, 1992, will provide adequate protection of small brown shrimp emigrating from the Texas bay systems.

Accordingly, the dates at § 658.25(b) for closure of the area described at § 658.25(a) are adjusted from 30 minutes after sunset, May 15, 1992, to 30 minutes after sunset on July 6, 1992. This area is

closed to all trawl fishing, except that a vessel may fish for royal red shrimp beyond the 100-fathom (183-meter) depth contour. The waters of Texas are also closed during this period.

If subsequent data indicate the necessity for further change, the opening date of the Texas closure may be further modified within the constraints of § 658.25(b).

Classification

This action is authorized by 50 CFR 658.25 and complies with Executive Order 12291.

List of Subjects in 50 CFR Part 658

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: June 29, 1992.

Richard H. Schaefer,

Director of Office of Fisheries, Conservation and Management, National Marine Fisheries Service.

[FR Doc. 92-15804 Filed 7-1-92; 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register

Vol. 57, No. 128

Thursday, July 2, 1992

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 51

[FV-92-302]

Fresh Fruits, Vegetables and Other Products (Inspection, Certification, and Standards)

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed action would revise the regulations governing inspection, certification and standards for fresh fruits, vegetables and other products¹ by revising the fees charged for the inspection of these products at destination markets. The proposed fee increases are needed to recover the costs of performing this inspection service is authorized by the Agricultural Marketing Act (AMA) of 1946.

DATES: Comments must be postmarked or courier dated on or before August 3, 1992.

ADDRESSES: Interested persons are invited to submit written comments concerning this proposal. Comments must be sent in duplicate to the Office of the Branch Chief, Fresh Products Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, P.O. Box 96456, room 2056 South Building, Washington, DC 20090-6456. Comments should make reference to the date and page number of this issue of the Federal Register and will be made available for public inspection in the above office during regular business hours.

FOR FURTHER INFORMATION CONTACT: Mr. Douglas Bailey, 202-720-5870.

SUPPLEMENTARY INFORMATION: This action has been reviewed by the Department in accordance with Departmental Regulation 1512-1 and the

criteria contained in Executive Order 12291 and has been determined to be a "nonmajor" rule.

This proposed rule has been reviewed under Executive Order 12778, Civil Justice Reform. It is not intended to have a retroactive effect. This rule would not preempt any state or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule. There are no administrative procedures which must be exhausted prior to any judicial challenge to the provisions of this rule.

Pursuant to the requirements set forth in the Regulatory Flexibility Act (5 U.S.C. 601 et. seq.), the Administrator of the Agricultural Marketing Service (AMS) has determined that this action would not have a significant economic impact on a substantial number of small entities. This proposed rule for the revision of the Regulations governing inspection, certification and standards for fresh fruits, vegetables and other products will not impose substantial direct economic cost, recordkeeping, or personnel workload changes on small entities, and will not alter the market share or competitive position of these entities relative to large businesses.

The regulations were last revised in October 1991. The proposed rule reflects fee increases needed to recover the costs of service rendered in accordance with the AMA of 1946.

The AMA authorizes voluntary official inspection, grading, and certification on a user-fee basis, of fresh fruits, vegetables, and other products such as raw nuts, Christmas trees, and flowers. The AMA provides that reasonable fees be collected from the user of the program services to cover as nearly as practicable the costs of services rendered. This proposal would amend the schedule for fees and charges for services rendered to the fresh fruit and vegetable industry at destination markets to reflect the costs currently associated with the program.

AMS regularly reviews these programs to determine if fees are adequate. Since the last fee change on October 30, 1991, (56 FR 55799), program operating costs have increased. The major increase is the result of hiring 20 additional graders, which has increased annual personnel costs by approximately \$521,000. These graders were hired due to the industry's repeated emphasis that the program

provide faster response to unscheduled requests for inspection services.

Because of this increase in personnel costs, the program expects to incur a \$490,000 loss in fiscal year 1992. The fiscal year 1992 reserve balance of the program's trust fund is projected to equal less than one month of operating reserve, well below the four-month level considered necessary to ensure the program's financial viability.

Based on the program's low reserve balance and increases in program costs, AMS proposes to increase the fees for destination market inspection services. The following table compares current fees and charges with proposed fees and charges for fresh fruit and vegetable inspection as found in 7 CFR 51.38. Unless otherwise provided for by regulation or written agreement between the applicant and the Administrator, the charges in the schedule of fees as found in § 51.38 are:

Service	Current	Proposed
Quality and condition inspections of one to four individual products unloaded directly from the same land or air conveyance:		
Over a half carlot equivalent of each product.....	\$62	\$68
Half carlot equivalent or less of each product.....	52	57
For each additional lot of a product.....	10	11
Condition inspections of one to four individual products unloaded directly from the same land or air conveyance:		
Over a half carlot equivalent of each product.....	52	57
Half carlot equivalent or less of each product.....	47	52
For each additional lot of a product.....	10	11
Inspections of five or more individual products unloaded directly from the same land or air conveyance:		
For the first five products.....	220	242
For each additional product.....	10	11
For each additional lot of a product.....	10	11
Dock-side inspections of an individual product unloaded directly from the same ship:		
Minimum charge per individual product.....	62	68
Inspections performed for other purposes during the grader's regularly scheduled work week.....	\$31.00	\$34.00

¹ Among such other products are the following: Raw nuts; Christmas trees and evergreens; flowers and flower bulbs; and onion sets.

Service	Current	Proposed
Overtime or holiday premium rate for all inspections performed outside the grader's regularly scheduled work week:	\$15.50	\$17.00

¹ Per hour.

List of Subjects in 7 CFR Part 51

Agricultural commodities, Food grades and standards, Fruits, Nuts, Reporting and recordkeeping requirements, Trees, Vegetables.

PART 51—[AMENDED]

For the reasons set forth in the preamble, 7 CFR part 51 is proposed to be amended as follows:

1. The authority citation for 7 CFR part 51 continues to read as follows:

Authority: Secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended; 7 U.S.C. 1622, 1624, unless otherwise noted.

2. Section 51.38 is amended by revising paragraphs (a)(1) (i) through (iii), (a)(2) (i) through (iii), and (a)(3) (i) through (iii) to read as follows:

§ 51.38 Basis for fees and rates.

(a) * * *

(1) * * *

(i) \$242 for the first five products.

(ii) \$11 for each additional product.

(iii) \$11 for each additional lot identified on an inspection certificate for any of the products.

(2) * * *

(i) \$68 for each over one-half carlot equivalent of an individual product up to a full carlot equivalent.

(ii) \$57 for each half-carlot equivalent or less of an individual product.

(iii) \$11 for each additional lot identified on an inspection certificate for the same product on or loaded from the same conveyance.

(3) * * *

(i) \$57 for each over one-half carlot equivalent of an individual product up to a full carlot equivalent.

(ii) \$52 for each half-carlot equivalent or less of an individual product.

(iii) \$11 for each additional lot identified on an inspection certificate for the same product on or unloaded from the same conveyance.

3. In § 51.38, paragraph (b)(1) is amended by revising "\$62" to read "\$68", paragraph (c) is amended by revising "\$31.00" to read "\$34.00", and paragraph (d) is amended by revising "\$15.50" to read "\$17.00".

Dated: June 26, 1992.

Daniel Haley,
Administrator.

[FR Doc. 92-15544 Filed 7-1-92; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 92-NM-103-AD]

Airworthiness Directives; Boeing Model 737-300, -400, and -500 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposed the adoption of a new airworthiness directive (AD) that is applicable to certain Boeing Model 737-300, -400, and -500 series airplanes. This proposal would require modification of the engine thrust reverser control system. This proposal is prompted by an analysis by the manufacturer that indicates a high potential for leakage across the piston seal in the thrust reverser actuator. The actions specified by the proposed AD are intended to prevent uncommanded deployment of the thrust reverser.

DATES: Comments must be received by August 10, 1992.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 92-NM-103-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124-2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton Washington.

FOR FURTHER INFORMATION CONTACT:

Mr. Stephen S. Bray, Aerospace Engineer, Seattle Aircraft Certification Office, Propulsion Branch, ANM-140S, FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055-4056; telephone (206) 227-2661; fax (206) 227-1181.

SUPPLEMENTARY INFORMATION: Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 92-NM-103-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 92-NM-103-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

Discussion

Results of a recent analysis conducted by the manufacturer indicate that, during reverser stow or during use of the auto-restow system on certain Boeing Model 737 series airplanes, there is a high potential for leakage across the piston seal in the thrust reverser actuator. This leakage could prevent the reverser from stowing and could be sufficient to unlock and deploy a thrust reverser due to a build-up of pressure on the deploy side of the piston. This condition, if not corrected, could result in uncommanded deployment of the thrust reverser.

The FAA has reviewed and approved Boeing Alert Service Bulletin 737-78A1055, dated April 2, 1992, that describes procedures for modification of the engine thrust reverser control system. The modification involves reworking the flow control tee in the

deploy line on each engine strut by removing poppet valves. In addition, one restrictor check valve is installed in the stow port of each control valve module in the air conditioning bay, and one restrictor check valve is installed in the deploy port of the upper thrust reverser actuator on each thrust reverser half. Installation of the modification will decrease the pressure build-up described previously, holding it to a level that is below that needed to unlock and deploy a thrust reverser.

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require modification of the engine thrust reverser control system. The actions would be required to be accomplished in accordance with the service bulletin described previously.

There are approximately 1,174 Model 737 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 600 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 12 work hours per airplane to accomplish the proposed actions, and that the average labor rate is \$55 per work hour. Required parts will be supplied by the manufacturer at no cost to operators. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$396,000. This total cost figure assumes that no operator has yet accomplished the proposed requirements of this AD.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation: (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption "ADDRESSES."

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Boeing: Docket 92-NM-103-AD.

Applicability: Model 737-300, -400, and -500 series airplanes; as listed in Boeing Alert Service Bulletin 737-78A1055, dated April 2, 1992; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent uncommanded thrust reverser deployment, accomplish the following:

(a) Within 6 months after the effective date of this AD, modify the engine thrust reverser control system, in accordance with Boeing Alert Service Bulletin 737-78A1055, dated April 2, 1992.

(b) An alternative method of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Seattle ACO.

Note: Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the Seattle ACO.

(c) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on June 8, 1992.

Bill R. Boxwell,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92-15545 Filed 7-1-92; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 92-NM-27-AD]

Airworthiness Directives; Boeing Model 737-300, -400, and -500 Series Airplanes Equipped With CFM International CFM56-3 Series Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the superseding of an existing airworthiness directive (AD), applicable to certain Boeing Model 737-300 series airplanes, that currently requires the addition of an operational limitation in the Airplane Flight Manual (AFM) and installation of a placard on the flight compartment instrument panel, both of which are intended to reduce the risk of engine flameout in adverse weather conditions. This action would require modifications of the engine, and would expand the applicability to include Boeing Model 737-400 and -500 series airplanes that were certificated with the same limitations as imposed by the existing AD. This proposal is prompted by the development of engine modifications that eliminate the need for the operational limitations relative to operation in adverse weather. The actions specified by the proposed DA are intended to prevent engine flameout during airplane descent into moderate to severe adverse weather conditions.

DATES: Comments must be received by August 12, 1992.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 92-NM-27-AD, 1601 Lind Avenue NW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT:

Mr. Stephen S. Bray, Seattle Aircraft Certification Office, Propulsion Branch, ANM-140S; FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055-4056; telephone (206) 227-2681; fax (206) 227-1181.

SUPPLEMENTARY INFORMATION:**Comments Invited**

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 92-NM-27-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 92-NM-27-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

Discussion

On December 1, 1988, the FAA issued AD 88-13-51 R1, Amendment 39-6088 (53 FR 49978, December 13, 1988), that is applicable to Boeing Model 737-300 series airplanes equipped with CFM International CFM56-3 series engines. That AD required the addition of an operational limitation in the FAA-approved Airplane Flight Manual (AFM) and the installation of a placard on the flight compartment instrument panel, both of which contain information relative to conducting operations in moderate to heavy rain, hail, or sleet. The operations described are intended to reduce the risk of engine flameout in adverse weather conditions. That action was prompted by three incidents of engine flameouts during descent through moderate to severe adverse weather conditions. Two of the incidents were

dual engine flameouts. The requirements of that AD are intended to prevent engine flameout during airplane descent into moderate to severe adverse weather conditions.

Subsequent to the issuance of AD 88-13-51 R1, the Model 737-400 and 737-500 series airplanes were certificated with the same operational limitations that were specified in that AD.

[Additionally, when a fourth engine flameout incident occurred on a Boeing Model 737-300 airplane, the FAA issued AD 89-25-02, Amendment 39-6402 (54 FR 48858, November 28, 1989), to require a modification to the engine idle circuitry on Model 737-300 and 737-400 series airplanes. (The design of the engine idle circuitry on the Model 737-300 is similar in design to that on the Model 737-400.) The modification inhibits the engine's inflight low idle capability. Model 737-500 series airplanes were certificated with this same (modified) engine idle circuitry configuration.]

The manufacturer recently developed a modification that, once installed, eliminates the need for operational limitations relative to adverse weather operation on Model 737-300, -400, and -500 series airplanes.

The FAA has reviewed and approved Boeing Service Bulletin 737-77-1031, Revision 1, dated May 14, 1992, that describes procedures for installing certain modifications on CFM International CFM56-3 series airplanes that eliminate the need for the previously imposed operational limitations, and provides instructions for an interim engine retrofit and use of intermixed engine installations (i.e., operations with one fully-modified engine and one not-completely modified engine). The engine modifications are intended to make the engine more flameout-resistant, and include the installation of a new splitter fairing, 12 VBV panel doors, elliptical spinner, and VBV system modifications. The modification procedures described differ, depending upon whether an airplane's engines are currently fully modified or partially modified. (This service bulletin references Boeing Service Bulletin 737-71-1273, Revision 1, dated May 14, 1992, for additional information.)

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would supersede AD 88-13-51 R1 to require modification of Model 737-300, -400, and -500 series airplanes equipped with CFM International CFM56-3 series engines. This modification action would be required to be accomplished in

accordance with the service bulletin described previously. Upon accomplishment of the modification, the operational limitations and placard currently required on Model 737-300 series airplanes by AD 88-13-52 R1 may be removed; the same operational limitations that were included in the AFM when the Models 737-400 and -500 were certificated may also be removed.

There are approximately 961 Boeing Model 737-300, -400, -500 series airplanes of the affected design in the worldwide fleet. The FAA estimates that a total of 474 airplanes of U.S. registry would be affected by this proposed AD. (Of this total, 299 airplanes would be affected by the expanded applicability of this proposed AD action.)

Of the total 474 U.S.-registered airplanes, 407 are referred to (in the applicable Boeing service bulletin) as "Group 1" airplanes. For these airplanes, the FAA estimates that it would take approximately 1 work hour to accomplish the proposed actions, at an average labor rate of \$55 per work hour. The cost of required parts is expected to be negligible. Based on these figures, the total cost impact of this AD on U.S. operators of Group 1 airplanes is estimated to be \$22,385, or \$55 per airplane.

Of the total 474 U.S.-registered airplanes, 67 are referred to (in the applicable Boeing service bulletin) as "Group 2" airplanes. For these airplanes, the FAA estimates that it would take approximately 5 work hours to accomplish the proposed actions, at an average labor rate of \$55 per work hour. The cost of required parts is expected to be negligible. Based on these figures, the total cost impact of this AD on U.S. operators of Group 2 airplanes is estimated to be \$18,425, or \$275 per airplane.

Based on the figures discussed above, the total cost impact of the proposed AD on U.S. operators is estimated to be \$40,810. This total cost figure assumes that no operator has yet accomplished the proposed requirements of this AD action.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For reasons discussed above, I certify that this proposed regulation: (1) Is not a

"major rule" under Executive Order 12291; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption "ADDRESSES."

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows: Authority: 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39-6088 (53 FR 49978, December 13, 1988), and by adding a new airworthiness directive (AD), to read as follows:

Boeing: Docket 92-NM-27-AD. Supersedes AD 88-13-51 R1, Amendment 39-6088.

Applicability: Model 737-300, 737-400, and 737-500 series airplanes; equipped with CFM International CFM56-3 series engines; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent engine flameout during airplane descent into moderate to severe adverse weather conditions, accomplish the following:

(a) For Model 737-300 series airplanes: Within 10 days after December 30, 1988 (the effective date of AD 88-13-51 R1, Amendment 39-6088), accomplish the procedures specified in paragraphs (a)(1), (a)(2), and (a)(3) of this AD:

(1) Revise the Limitations Section of the FAA-approved Airplane Flight Manual (AFM) by adding the following instructions. This may be accomplished by inserting a copy of this AD into the AFM. (Where appropriate, remove the previous inserted copy of AD 88-13-51 from the AFM.)

"Operation in Moderate to Heavy Rain, Hail, or Sleet"

When operating in or in the vicinity of (near) moderate to heavy rain, hail, or sleet, accomplish the following:

(i) Engine start switches—Flight

(ii) Minimum Engine N₁—45%

(iii) Auto-throttle—Off

Note: Operation in or in the vicinity of (near) moderate to heavy rain, hail, or sleet is to be assumed if indicated by any of the following sources: weather radar, reports, or observations.

Operating in Thunderstorm Activity

Cautionary Note

Flight operation should be conducted so that operation within 5 miles of thunderstorm activity is avoided."

(2) For operations in known or forecast rain, hail, or sleet, notwithstanding the Minimum Equipment List (MEL), the following items must be operable for dispatch:

(i) Weather radar.

(ii) Engine Ignition System—both left and right engine igniters.

(3) Install a placard (red base, white lettering) on the instrument panel in clear view of the flight crew and in close proximity of the engines' N₁ indication gauges, that reads as follows:

"Maintain At Least 45% N₁ When Operating In Or Near Moderate To Heavy Rain, Hail, Or Sleet."

(b) For Model 737-300 series airplanes: Within the next 24 months after the effective date of this AD, accomplish the engine modification described in Boeing Service Bulletin 737-77-1031, Revision 1, dated May 14, 1992. Upon accomplishment of this modification, the AFM revision and placard required by paragraph (a) of this AD may be removed.

(c) For Model 737-400 and 737-500 series airplanes: Within the next 24 months after the effective date of this AD, accomplish the engine modification described in Boeing Service Bulletin 737-77-1031, Revision 1, dated May 14, 1992. Upon accomplishment of this modification, the AFM limitations pertaining to "Operation in Moderate to Heavy Rain, Hail, or Sleet," as well as any related flight compartment instrument panel placard, may be removed.

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles ACO.

Note 1: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles Aircraft Certification Office.

Note 2: Alternative methods of compliance previously granted for Amendment 39-6088, AD 88-13-51 R1, continue to be considered as acceptable alternative methods of compliance for paragraph (a) of this amendment.

(e) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on June 12, 1992.

Bill R. Boxwell,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92-15346 Filed 7-1-92; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 92-NM-111-AD]

Airworthiness Directives; Learjet Model 23, 24, 25, 28, 29, 31, 35, and 36 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Learjet Model 23, 24, 25, 28, 29, 31, 35, and 36 series airplanes. This proposal would require modification of the crew oxygen plumbing and map light wires. This proposal is prompted by a report of a malfunction on a Learjet Model 24 series airplane involving chafing of the copilot map light wires, which caused electrical arcing against the oxygen mask tubing and subsequent burn-through and fire. The actions specified by the proposed AD are intended to prevent an in-flight fire.

DATES: Comments must be received by August 10, 1992.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 92-NM-111-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Learjet Corporation, Customer Services, P.O. Box 7707, Wichita, Kansas 67277-7707. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington; or at the FAA, Wichita Aircraft Certification Office, 1801 Airport Road, room 100, Mid-Continent Airport, Wichita, Kansas 67209.

FOR FURTHER INFORMATION CONTACT:

Mr. C. Dale Bleakney, Aerospace Engineer, Systems and Equipment Branch, ACE-130W, FAA, Wichita Aircraft Certification Office, 1801 Airport Road, room 100, Mid-Continent

Airport, Wichita, Kansas 67209; telephone (316) 946-4135; fax (316) 946-4407.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed stamped postcard on which the following statement is made: "Comments to Docket Number 92-NM-111-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 92-NM-111-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

Discussion

There has been a report indicating that a Learjet Model 24 series airplane was involved in an accident in which a malfunction involving contact between the copilot map light wires and the crew oxygen mask plumbing occurred. The map light wires chafed through, causing electrical arcing against the oxygen mask tubing and subsequent burn-through and fire. This condition, if not corrected, could result in an in-flight fire.

The FAA has reviewed and approved Learjet Airplane Modification Kit AMK No. 90-5, dated October 11, 1991, that describes procedures for modification of the crew oxygen plumbing and map light wires. This modification involves

insulating the map light wires with a sleeve, which will prevent electrical arcing. In addition, the map light wires would be rerouted to prevent any inadvertent contact between electrical wires and the oxygen lines.

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require modification of the crew oxygen plumbing and map light wires. The actions would be required to be accomplished in accordance with the service bulletin described previously.

There are approximately 1,482 Learjet Model 23, 24, 25, 28, 29, 31, 35, and 36 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 1,063 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 25 work hours per airplane to accomplish the proposed actions, and that the average labor rate is \$55 per work hour. Required parts would cost approximately \$113 per airplane. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$1,581,744. This total cost figure assumes that no operator has yet accomplished the proposed requirements of this AD.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation: (1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption "ADDRESSES."

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows: Authority: 49 U.S.C. App. 1354(a), 1321 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Learjet (formerly gates learjet): Docket 92-NM-111-AD.

Applicability: Model 23, 24, 25, 28, 29, 31, 35, and 36 series airplanes; as listed in Learjet Airplane Modification Kit No. AMK 90-5, dated October 11, 1991; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent electrical arcing and an in-flight fire, accomplish the following:

(a) Within 30 days after the effective date of this AD, modify the crew oxygen plumbing and map light wires, in accordance with Learjet Airplane Modification Kit AMK No. 90-5, dated October 11, 1991.

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Wichita Aircraft Certification Office (ACO), ACE-155W, FAA, Small Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Wichita ACO.

Note: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Wichita ACO.

(c) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on June 9, 1992.

Bill R. Boxwell,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.
[FR Doc. 92-15548 Filed 7-1-92; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 92-ASW-19]

Proposed Establishment of Jet Route J-183, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to establish Jet Route J-183 located in the vicinity of El Paso, TX. Establishment of J-183 would provide an additional route for operation between the El Paso and the Houston, TX, terminal airspace areas. The current congestion between these areas would be relieved by adding a new jet route in an area where aircraft are usually radar vectored. This action would reduce controller workload.

DATES: Comments must be received on or before August 25, 1992.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Air Traffic Division, ASW-500, Docket No. 92-ASW-19, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101.

The official docket may be examined in the Rules Docket, Office of the Chief Counsel, room 918, 800 Independence Avenue, SW., Washington, DC, weekdays, except Federal holidays, between 8:30 a.m. and 5 p.m.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace and Obstruction Evaluation Branch (ATP-240), Airspace-Rules and Aeronautical Information Division, Air Traffic Rules and Procedures Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-9250.

SUPPLEMENTARY INFORMATION:**Comments Invited**

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 92-ASW-19." The postcard will be date/

time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA-220, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267-3485. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2A which describes the application procedure.

The Proposal

The FAA is considering an amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish J-183 located in the vicinity of El Paso, TX. The new J-183 would provide an additional route for operations between the El Paso and the Houston, TX, terminal airspace areas. The current congestion between these areas would be relieved by adding a new jet route in an area where aircraft are usually radar vectored. This action would reduce controller workload. Jet routes are published in Section 75.100 of Handbook 7400.7 effective November 1, 1991, which is incorporated by reference in 14 CFR 71.1. The airspace designation for the new jet route proposed in this document would be published subsequently in § 71.607 of the Handbook, if the regulation is promulgated.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is

so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Jet routes, Incorporation by reference.

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.7, Compilation of Regulations, published April 30, 1991, and effective November 1, 1991, is amended as follows:

Section 71.607 Jet Routes

* * * * *

J-183 [New]

From El Paso, TX; Pecos, TX; Llano, TX; to College Station, TX.

* * * * *

Issued in Washington, DC, on June 25, 1992.

Harold W. Becker,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 92-15549 Filed 7-1-92; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 92-ANM-4]

Proposed Amendment to Sheridan Control Zone; Sheridan, WY

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to amend the Sheridan Control Zone, Sheridan, Wyoming, from full-time to part-time. A reduction in personnel staffing of the Sheridan Flight Service Station has resulted in weather observations not being available 24 hours a day. This action would bring publications up-to-date giving

continuous information to the aviation public.

DATES: Comments must be received on or before August 10, 1992.

ADDRESSES: Send comments on the proposal to: Robert Brown, ANM-535, Federal Aviation Administration, Docket No. 92-ANM-4, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

The official docket may be examined at the same address.

An informal docket may also be examined during normal business hours at the address listed above.

FOR FURTHER INFORMATION CONTACT: Robert Brown, ANM-535, Federal Aviation Administration, Docket No. 92-ANM-4, 1601 Lind Avenue SW., Renton, Washington 98055-4056, Telephone: (206) 227-2535.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy related aspects of the proposal. Communications should identify the airspace docket number and be submitted to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 92-ANM-4." The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examinations at the address listed above both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal

Aviation Administration, ANM-530, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2A which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71.171 of part 71 of the Federal Aviation Regulations (14 CFR part 71) to amend the Sheridan Control Zone, Sheridan, Wyoming, from full-time to part-time. A reduction in personnel staffing at the Sheridan Flight Service Station has resulted in weather observations not being available 24 hours a day, and therefore, full-time control zone services will not be available. The amendment, if adopted, would allow for changes in the hours of effectiveness by issuance of Notices to Airmen when minor variations in time of designation are anticipated. The airspace designation of the Sheridan Control Zone is published in section 71.171 of FAA Handbook 7400.7 effective November 1, 1991, which is incorporated by reference in 14 CFR 71.1. The amended designation for this control zone would be published subsequently in section 71.171 of the Handbook if this proposed rule is promulgated.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Control zones, Incorporation by reference.

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.7, Compilation of Regulations, published April 30, 1991, and effective November 1, 1991, is amended as follows:

Section 71.171 Designation

* * * * *

Sheridan, WY [Revised]

Within a 5-mile radius of the Sheridan County Airport (lat. 44°46'25"N., long. 106°58'15"W.) within 4 miles each side of the Sheridan VORTAC 312° and 327° radials, extending from the 5-mile radius zone to 11.5 miles northwest of the VORTAC; and within 4 miles each side of the Sheridan VORTAC 140° radial extending from the 5-mile radius zone to 24½ miles southeast of the VORTAC. This control zone shall be effective during the specified dates and times established in advance by a Notice to Airmen. The effective date and time thereafter, will be continuously published in the airport/facility directory.

* * * * *

Issued in Seattle, Washington, on June 19, 1992.

Helen M. Parke,

Assistant Manager, Air Traffic Division.

[FR Doc. 92-15547 Filed 7-1-92; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 4

[Notice No. 744; Ref: Notice No. 739]

Labeling of Bulk Process Sparkling Wine (90F167P)

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Department of the Treasury.

ACTION: Proposed rule; extension of comment period.

SUMMARY: This document extends the comment period for a notice of proposed rulemaking (NPRM), published in the Federal Register on May 5, 1992 (57 FR 19267) concerning labeling of bulk process sparkling wine. ATF has received a request to extend the comment period in order to provide sufficient time for all interested parties to respond to the difficult and complex issues addressed in the NPRM.

DATES: Written comments must be received on or before August 5, 1992.

ADDRESSES: Send written comments to: Chief, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms; P.O. Box 50221; Washington, DC 20091-0221; ATTN: Notice No. 744.

FOR FURTHER INFORMATION CONTACT:

James P. Ficareta, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington, DC 20226 (202-927-8230).

SUPPLEMENTARY INFORMATION:

Background

On May 5, 1992, ATF published Notice No. 739 in the Federal Register (57 FR 19267), proposing to amend the regulations in 27 CFR part 4 to permit the use of the phrases "fermented outside the bottle," "secondary fermentation outside the bottle," "not fermented in the bottle," or "not bottle fermented," as alternatives to "bulk process" to further describe sparkling wine produced by fermentation in a large closed container. The term "charmat method" could be used as additional information to describe this process, provided it appeared immediately before or after one of the above mentioned phrases. In addition, ATF proposed to establish a clearer standard with respect to placement and type size requirements applicable to the optional designation on sparkling wine labels.

The comment period for Notice No. 739 was scheduled to close on July 6, 1992. Prior to the close of the comment period ATF received a request to extend the comment period 60 days. The extension was requested by a law firm representing several domestic producers of bulk process sparkling wines.

The law firm stated that it needed additional time to review the relevant scientific, professional, and technical literature relating to champagne-making techniques and evaluations of sparkling wines made by alternative methods. Additional time was also needed to investigate evolving consumer attitudes and perceptions, as well as the changing nature of the champagne market in the United States.

In consideration of the above, ATF finds that an extension of the comment period is warranted. However, the Bureau believes that an extension of an additional 30 days is sufficient and is therefore extending the comment period until August 5, 1992.

Drafting Information

The author of this document is James P. Ficareta, Wine and Beer Branch,

Bureau of Alcohol, Tobacco and Firearms.

List of Subjects in 27 CFR Part 4

Advertising, Consumer protection, Customs duties and inspection, Imports, Labeling, Packaging and containers, and Wine.

Authority and Issuance

This notice is issued under the authority in 27 U.S.C. 205.

Signed: June 24, 1992.

Daniel R. Black,

Acting Director.

[FR Doc. 92-15579 Filed 7-1-92; 8:45 am]

BILLING CODE 4810-31-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

49 CFR Part 396

[FHWA Docket No. MC-90-7]

RIN 2125-AC47

Inspection, Repair and Maintenance; Rockwell Disc Brake Inspection; Denial of Petition

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Denial of petition.

SUMMARY: The FHWA is denying a petition for rulemaking received from Rockwell International (Rockwell) requesting that appendix G to the Federal Motor Carrier Safety Regulations, Minimum periodic inspection standards, be amended to allow brake chambers activating the Rockwell disc brake with automatic slack adjuster an additional one-fourth of an inch pushrod stroke over that allowed for similar brake chambers activating drum brakes.

FOR FURTHER INFORMATION CONTACT: Mr. Larry W. Minor, Office of Motor Carrier Standards, (202) 366-2981, or Mr. Paul Brennan, Office of the Chief Counsel, (202) 366-1350, Federal Highway Administration, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except legal holidays.

SUPPLEMENTARY INFORMATION: On May 2, 1990, the FHWA published a notice requesting comment on a petition from Rockwell (55 FR 18355). Rockwell requested that appendix G of subchapter B of chapter III, title 49, Code of Federal Regulations be amended to allow brake chambers activating the Rockwell disc brake with automatic slack adjuster an additional one-fourth

of an inch pushrod stroke over the allowed for similar brake chambers activating drum brakes.

The notice of petition included several questions for commenters to consider.

1. Should appendix G to subchapter B be amended to allow the Rockwell petition?

2. If the Rockwell petition is granted allowing the additional one-fourth inch pushrod stroke for disc brakes, do you foresee any problem in enforcement?

3. If the Rockwell petition is granted, do you foresee any problems in maintaining the disc brake assembly, including the automatic slack adjuster, within the requested pushrod stroke?

4. Would there be any enforcement problems created by allowing a different standard between those disc brakes with automatic slack adjusters and those with manual adjusters?

5. Would granting the relief requested have any effect on the braking efficiency as it relates to safe stopping distance?

Discussion of Comments

The FHWA received nine comments to the notice of petition from: The American Trucking Associations (ATA); Bendix Heavy Vehicle Systems Group of Allied-Signal, Inc. (Bendix); the Commercial Vehicle Safety Alliance (CVSA); the State of Connecticut, Department of Motor Vehicles; Eaton Corporation; Ford Motor Company; Lucas Automotive, Maine State Police; and the Maryland State Police. All of the commenters were opposed to granting the petition with the exception of Bendix. Bendix "neither endorses nor rejects the Rockwell petition, but [comments] on issues that deserve further consideration."

Bendix believes a new requirement for disc brakes only adds to the inspection procedure complexity. Bendix also expressed concern on "cold parking capability." Bendix states " * * * hot disc brakes require shorter chamber strokes due to rotor expansion. However, with cold disc brakes, the rotor maintains its design thickness, thus requiring adequate clamp load at the longer stroke * * *. An additional 1/4 inch in this condition reduces spring force used to develop clamp loads." Bendix also states that "two alternatives that could be considered * * * are the use of long stroke actuators and/or clearance sensing automatic slack adjusters."

The CVSA believes that if the Rockwell request is granted it will lead to confusion and improper inspections. The CVSA said:

The Rockwell disc brake can be fitted with virtually all manual and automatic slack

adjusters * * * Other manufacturers have stated that their "normal" automatic slack adjuster is acceptable with the Rockwell disc brake * * * Our many discussions with Rockwell concerning this topic leads us to believe that denial of the petition will neither penalize the development of air disc brakes nor cause a great deal more out-of-service citations.

The CVSA also expressed concern about the safety of the Rockwell proposal, citing the lack of support by other brake manufacturers and the information the CVSA received in response to its request for an evaluation of the safety of the Rockwell proposal.

The Maine State Police stated that the present criteria for brake adjustment should be changed to accommodate one manufacturer's product. Such a change would only lead to confusion on the enforcement of the criteria. "The problems relating to identification of the manufacturer of the brake components in a roadside situation would be very difficult, due to dirt, ice, snow etc. that tend to coat brake parts." The Maine State Police also expressed concern about the effect of increased stroke on the parking brake system. It questioned whether the parking brakes, if applied in a hot condition, would be effective when the brake cools.

The ATA believes that the basic issue is a conflict between established practice and procedures. It said:

To help assure proper maintenance, standardization of the inspection and repair process is desirable. With many new employees entering the industry as both motor carrier service technicians and law enforcement inspectors, standardization helps speed training and avoid serious errors. Therefore, unless it will completely destroy a new technology, we believe established practice must be retained. We believe new designs should embrace established standards where possible and, therefore, oppose a new set of brake adjustment standards for disc brakes having a special automatic slack adjuster.

The ATA also believes that applying the parking brake with hot rotors and pushrod travel close to one-fourth of an inch beyond the current limit will adversely impact parking brake performance upon rotor cooling. "While Rockwell-International presented material to [the] CVSA indicating this should not be a problem, [Rockwell] only looked at [Rockwell brake] systems." The ATA believes this may be one of the reasons other automatic slack adjuster manufacturers have not asked for the one-fourth of an inch increase in pushrod travel.

Lucas Automotive opposes the Rockwell petition because the additional one-fourth inch stroke requested "reduces cold brake output

torque due to reduced input force from the diaphragm brake chambers commonly used." Lucas Automotive also stated:

If [the] additional [0.25] inch of brake chamber stroke is allowed, the brake on one side of the axle could produce up to 23.5% less torque than the other side due to variation of automatic adjuster performance from manufacturing tolerances, variation in lining compressibility and caliper stiffness variation all [of] which cause brake-to-brake stroke differences. * * * The fundamental need for stroke inspection and limitation should be based on the output characteristics of the brake chamber, not on a type of brake or adjustment means. The brake chamber characteristics limit the performance of the brakes. Allowing the requested increase in the stroke limit would set [an] undesirable precedent.

The Eaton Corporation expressed concerns and included data similar to that submitted by Lucas Automotive. Eaton adds:

Disc brake designs do not inherently require additional stroke. Provided caliper and chamber mounting bracket are designed with sufficient structure, and the actuator system is of proper mechanical advantage and efficiency, no relaxation of allowable air chamber strokes would be required.

The Ford Motor Company does not believe that the readjustment limits should be revised because there is the possibility of adverse effects on brake performance and the potential for confusion during inspection. Ford indicates that "a typical Type 24 or Type 30 air chamber provides on average up to 11% less force output when operated in a range up to 1/4 inch beyond current specifications. Consequently, brake effectiveness at the increased stroke would be reduced, with maximum decrease in effectiveness occurring at times when an operator is attempting the hardest braking." Ford agrees with Rockwell that additional clearance is required between the rotor and disc pad on certain applications, however "the proper way to achieve this clearance is by installing longer stroke chambers on disc-braked vehicles, not redefining the readjustment limits for existing brake chambers."

In response to the comments to this docket, Rockwell indicated that "comments submitted by Rockwell's competitors who do not produce disc brakes, and others, reflect the fact that these commenters apparently did not have the benefit of reviewing the Rockwell test data * * *". Also, Rockwell did not agree with the comments concerning the use of long stroke brake chambers.

Rockwell has been a supporter of the long stroke air chamber and has recommended

that recently developed long stroke type 24 chambers be recognized in the Motor Carrier Safety Regulations . . . Rockwell is also on record as supporting the [National Highway Traffic Safety Administration] recommendations to Congress for increased truck safety, which included the development of long stroke chambers. * * * Rockwell does not manufacture air chambers, but relies on chamber manufacturers for these developments. Rockwell began using long stroke type 24 chambers on their disc brakes as soon as they were available. The long stroke type 30 chambers mentioned in several of the comments are not available or developed yet in the U.S. In addition, the commenters that suggested use of long stroke chambers failed to consider the status of the vehicles that have already been placed in service.

In response to commenters suggesting that automatic slack adjusters produced by manufacturers other than Rockwell could be used for the disc brake system, Rockwell stated that "automatic slack adjusters that do not exceed the currently recommended stroke will result in brake drag, reduced lining life and cracked rotors." Rockwell also responded to the concern that introducing separate criteria for air disc brakes will cause confusion during inspections.

[T]he requested change will not create new precedent as increased disc brake stroke was allowed by the out-of-service criteria until 1986. The criteria currently [provide pushrod strokes for the different air chamber sizes]. . . . The Rockwell request can be accommodated with [a] simple chart for air disc brakes, which are measured in the same manner as cam brakes. As long as the air disc brake meets the recommended stroke, CVSA and DOT inspectors need not inquire further.

The FHWA believes that the commenters have presented important information about the safety of allowing an additional one-fourth inch pushrod stroke for Rockwell air disc brake systems which use automatic slack adjusters. In response to Rockwell's statement about the commenters not having the "benefit of reviewing the Rockwell test data," the FHWA acknowledges that through an oversight, a copy of the Rockwell petition, including test data, was not included in the docket file. However the FHWA does not believe that this oversight negates the concerns of the commenters. The FHWA notes that the commenters include three manufacturers of air brake systems. One of the three, Lucas Automotive, currently manufactures air disc brakes (Lucas Automotive's air disc brakes are not available in the United States). Furthermore, interested parties in need of a copy of the petition could have requested the information from the FHWA.

With regard to commenters' concerns about increasing the complexity of the inspection requirements, the FHWA does not believe that the Rockwell request would have led to problems in enforcement. Differentiating between a disc brake and a drum brake should not present a problem to vehicle inspectors. As for distinguishing between automatic and manual slack adjusters, the FHWA does not believe that it is necessary to recognize which slack adjuster is being used. Although the Rockwell petition distinguishes between automatic and manual slack adjusters used with the disc brake, the operating principles of an air brake system do not support the establishment of separate pushrod stroke limits based, in part, on the type of slack adjuster.

FHWA Decision

The FHWA believes that the brake adjustment criteria of appendix G should be based on the output characteristics of the brake chamber, not on the type of air brake or the type of brake adjuster being used. The Rockwell disc brake design uses brake chambers similar if not identical to the brake chambers used with drum brakes. As air pressure is exerted on the diaphragm, the pushrod is extended. The slack adjuster transfers the linear motion of the pushrod into rotational movement of the powershaft of the disc brake. Rotation of the powershaft clamps the brake pads against the disc. As the output force from the brake chamber decreases, the clamping force against the discs decreases.

Brake adjustment (pushrod stroke) greatly affects the amount of torque that can be generated by the brake. Braking effectiveness decreases with increasing stroke. The decrease in braking force begins before the pushrod stroke reaches the current limits and accelerates rapidly as the full stroke or "bottom out" point is reached. The current brake adjustment limits reflect the maximum pushrod stroke before the output force of the brake chamber falls below acceptable levels. The levels used by the FHWA in appendix G are consistent with the recommended limits available from air brake manufacturers.

The FHWA does not believe that an amendment to appendix G is necessary to accommodate the use of air disc brakes. Rockwell has indicated that design considerations for the air disc brake result in the "occasional violation" of the current pushrod stroke limits. The FHWA does not believe that safety standards should be amended because a manufacturer's design results in occasional violations. Rockwell has

not shown that disc brakes inherently require additional stroke.

The FHWA is aware that motor carriers operating commercial motor vehicles with Rockwell disc brakes are concerned about the FHWA's decision in this matter. The FHWA strongly encourages motor carriers using Rockwell disc brake systems to continue to do so if the motor carriers monitor and maintain the brakes. The FHWA does not believe that Rockwell disc brakes (operating within the pushrod stroke limits of Appendix G) decrease the safety of operation of commercial motor vehicles. The FHWA does not intend that a denial of the petition adversely impact the use of air disc brake systems.

In consideration of the information provided by the commenters, and the FHWA's concerns about brake performance, the FHWA is denying the Rockwell petition to amend appendix G to subchapter B.

Authority: 49 U.S.C. 3102; 49 U.S.C. App. 2505; 49 CFR 1.48.

Issued on: June 26, 1992.

T.D. Larson,

Administrator.

[FR Doc. 92-15629 Filed 7-1-92; 8:45 am]

BILLING CODE 4910-22-M

National Highway Traffic Safety Administration

49 CFR Part 552

Air Brake Systems; Denial of Petition for Rulemaking

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Denial of petition for rulemaking.

SUMMARY: This document announces the agency's decision to deny a petition for rulemaking submitted by Mr. William Washington of the Washington Corporation, requesting that Federal Motor Vehicle Safety Standard No. 121, Air Brake Systems, be amended to require a device that regulates the brake system's air pressure differential between the two wheels on each axle. After conducting its review, the agency determined that the petition should not be granted because there were no test data or other information to substantiate the petitioner's claim that the requested amendment would improve a vehicle's braking performance. Since there was no reasonable possibility that the requested amendment would be issued at the conclusion of a rule making proceeding, the agency decided to deny the petition.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Carter, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, (202) 366-5274.

SUPPLEMENTARY INFORMATION: Federal Motor Vehicle Safety Standard No. 121, Air Brake Systems, establishes performance requirements for braking systems on vehicles equipped with air braked systems. The purpose of the standard is to ensure safe braking performance under normal and emergency braking conditions. The standard applies to vehicles equipped with air brake systems but does not apply to motor vehicle equipment.

On January 8, 1992, Mr. William Washington of the Washington Corporation (Washington), submitted to petition for rulemaking, requesting that Standard No. 121 be amended to require a device that regulates a brake system's air pressure differential between the two wheels on each axle, i.e., side-to-side differential. According to the petitioner, neither current air brake systems nor Standard No. 121 properly control for the pressure differentials that occur between air brake chambers on a single axle. The petitioner contended that his product, which describes as a differential pressure regulator quick release valve, would correct brake-related problems by equalizing the pressure from side-to-side on the vehicle. Among the problems which the petitioner claimed that his device would alleviate were unbalanced brake adjustments, single wheel lock-up, excessive brake vibration, pulling brakes, excessive stopping distance, and tire blowouts and flat-spotting.

The petitioner's device is an air chamber in which there is a cone shaped rubber diaphragm which acts as a spring. When the brakes are applied, the surge of air through the brake lines causes the rubber diaphragm to compress, allowing the chamber to enlarge and fill with air. The compression of the diaphragm in the expansion chamber and the ensuing enlargement of chamber volume are supposed to absorb air pressure spikes (i.e., rapid increases in air pressure) and pressure waves.

In support of his claim, Mr. Washington stated that there are approximately 5,000 fatal air brake-related crashes each year and many more near miss situations. The petitioner also described several specific crashes that happened in the past that he apparently believed would have been prevented if the requested amendment were adopted. Nevertheless,

aside from anecdotal accounts, Mr. Washington did not provide data supporting his claims.

Independent tests of the petitioner's device or products similar to his device indicate that it would not be in the interest of safety to adopt his requested amendment. For instance, tests at the Aberdeen Proving Ground indicated that a similar product, the BX-100 brake equalizer, was not approved for use on military vehicles (U.S. Army Aberdeen Proving Ground Report No. USACSTA-6635, 1986). Similarly, tests at Southwest Research Institute indicated that vehicles equipped with the petitioner's device needed an average of approximately 0.5 seconds longer to stop because additional time was needed to fill the expansion chamber. These vehicles exhibited a slower stopping time which ranged from 0.4 to 1.0 seconds at 40 miles per hour which would add from 24 to 59 feet to the stopping distance. ("Operating Characteristics of the MXQR-5000 Pressure Regulating Valve for Truck and Tractor-Trailer Air Brake Systems"). Tests also indicate that the petitioner's device does not smooth out pressure spikes as claimed. In fact, it typically would only cause small changes in the pressure curves because of the added volume in the brake system that must be filled with air.

Historically, measurements at VRTC concerning pressure in air brake systems have not revealed peaks in brake pressure. In contrast, to the

agency's knowledge, axle-to-axle pressure differentials in combination units are the only type of air pressure differential that contributes to safety problems such as jackknifing and unbalanced braking. The agency has already conducted rulemaking to reduce problems associated with axle-to-axle differentials (see the timing and pressure differential requirements in Docket 85-7, Notice, 56 FR 11150, May 15, 1991).

NHTSA disagrees with the petitioner's claims that his product would prevent crashes. The agency notes that because the crashes cited in the petition were due to out-of-adjusted brakes, it is unlikely that the petitioner's device would have had any effect. More generally, the agency knows of no specific crash that would have been averted or category of crash that would be averted by installation of the petitioner's device.

Significant costs would have resulted if the petitioner's device were required. The petitioner informed the agency that the unit cost for MSQR-5000 Quick Release/Equalizer would be \$149 when sold to aftermarket customers, or \$99 when purchased by original equipment manufacturers. Given that 187,000 vehicles are equipped with air brakes each year, the agency estimates that the rulemaking's aggregate cost would range from \$18,700,000 to \$27,900,000.

Based on the above considerations, NHTSA determined in a May 19, 1992 letter that the petition should not be

granted. This decision was based in part on the fact that there are no test data or other information to substantiate the petitioner's claim that the requested amendment would improve a vehicle's braking performance. In addition, the petitioner only submitted anecdotal comments without any conclusive data to support his position.

Notwithstanding the agency's decision denying the petition, the agency notes that neither the requirements of Standard No. 121 nor those of the National Traffic and Motor Vehicle Safety Act, under which the standard was issued, prohibit the installation of the petitioner's product; provided that if it is installed on a vehicle by a vehicle manufacturer, dealer or repair business, neither the act of installation nor the operation of the device renders inoperative any device or element of design installed on that vehicle in compliance with Standard No. 121.

In accordance with 49 CFR part 552, the agency completed its technical review of the petition, determining that there was no reasonable possibility that the requested amendment would have been issued at the conclusion of a rulemaking proceeding. Accordingly the agency denied the petition.

Authority: 15 U.S.C. 1410a; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on June 26, 1992.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 92-15550 Filed 7-1-92; 8:45 am]

BILLING CODE 4910-59-M

Notices

Federal Register

Vol. 57, No. 128

Thursday, July 2, 1992

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forms Under Review by Office of Management and Budget

June 26, 1992.

The Department of Agriculture has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35) since the last list was published. This list is grouped into new proposals, revisions, extension, or reinstatements. Each entry contains the following information:

- (1) Agency proposing the information collection;
- (2) Title of the information collection;
- (3) Form number(s), if applicable;
- (4) How often the information is requested;
- (5) Who will be required or asked to report;
- (6) An estimate of the number of responses;
- (7) An estimate of the total number of hours needed to provide the information;
- (8) Name and telephone number of the agency contact person.

Questions about the items in the listing should be directed to the agency person named at the end of each entry. Copies of the proposed forms and supporting documents may be obtained from: Department Clearance Officer, USDA, OIRM, room 404-W Admin. Bldg., Washington, DC 20250, (202) 690-2118.

Revision

- Human Nutrition Information Service Continuing Survey of Food Intakes by Individuals CSFII-1989-92
On occasion
Individuals or households; 225 responses; 338 hours
Loir Borrud (301) 436-8485
- Agricultural Stabilization and Conservation Service
CFR part 1435, Regulations Governing Sugar and Crystalline

Fructose Information Reporting Requirements

Recordkeeping; Monthly
Businesses or other for-profit; 1,009 responses; 31,508 hours
Bob Barry (202) 720-3391

• Agricultural Marketing Service
Celery Grown in Florida, M.O. 967
Recordkeeping; On occasion

Farms; Businesses or other for-profit; Small businesses or organizations; 4,003 responses; 217 hours
Mark Hessel (202) 720-9920

Extension

• Foreign Agricultural Service
Financing Commercial Sales of Agricultural Commodities Under Title I. Public Law 480—Recordkeeping and Reporting Requirements

Recordkeeping; On occasion
Businesses or other for-profit; Small businesses or organizations; 522 responses; 580 hours

James Chase (202) 720-5780

• Food Safety and Inspection Service
Regulations Governing Meat Inspection
Recordkeeping; Quarterly; On occasion
State or local governments; Businesses or other for-profit; Federal agencies or employees; Small businesses or organizations; 3,030,300 responses; 278,103 hours

Roy Purdie (202) 720-5372

• Animal and Plant Health Inspection Service
National Poultry Improvement Plan (NPIP)

VS Forms 9-2, 9-3, 9-4, 9-5, 9-6, 9-7, APHS 8003

Recordkeeping; On occasion; Annually
State or local governments; Businesses or other for profit; Small businesses or organizations; 43,263 responses; 4,640 hours

Andrew R. Rhorer (301) 436-7768

Existing Collection

• Foreign Agricultural Service
List of Commodities by Firm Available for Exporting
Annually
Businesses or other for-profit; 4,500 responses; 1,125 hours
Keith Searce (202) 720-1533

New Collection

• Food Safety and Inspection Service
Nutrition Labeling Survey of Meat and Poultry Firms
One time use survey

Businesses or other for-profit; Small
Businesses or organizations; 700 responses; 1820 hours;

Roy Purdie, Jr. (202) 720-5372

Donald E. Hulcher,

Deputy Departmental Clearance Officer.

[FR Doc. 92-15553 Filed 7-1-92; 8:45 am]

BILLING CODE 3410-01-M

Commodity Credit Corporation

Final Determinations Regarding Support Prices for Wool on Unshorn Lambs and for Mohair for the 1992 Marketing Year

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Notice of final determinations.

SUMMARY: This notice provides the final determinations concerning the price support levels for wool on unshorn lambs and for mohair for the 1992 marketing year. These determinations are required to be made pursuant to the National Wool Act of 1954, as amended.

EFFECTIVE DATE: July 2, 1992.

FOR FURTHER INFORMATION CONTACT:

Janise A. Zygmunt, Agriculture Economist, Commodity Analysis Division, USSA-ASCS, room 3756, South Building, P.O. Box 2415, Washington, DC 20013 or call (202) 720-6734. A Final Regulatory Impact Analysis has been prepared and is available on request from the above-named individual.

SUPPLEMENTARY INFORMATION: This notice has been reviewed under USDA procedures implementing Executive Order 12291 and Departmental Regulation No. 1512-1 and has been designated as "Major." It has been determined that these determinations will result in an annual effect on the economy of \$100 million or more.

It has been determined that the Regulatory Flexibility Act is not applicable to this notice since there is no requirement that the Commodity Credit Corporation (CCC) publish a notice of proposed rulemaking in accordance with 5 U.S.C. 553 or any other provision of law with respect to the subject matter of this notice.

It has been determined by an environmental evaluation that this action will have no significant impact on the quality of the human environment. Therefore, neither an environmental

assessment nor an Environmental Impact Statement is needed.

This program is not subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. See the Notice related to 7 CFR part 3015, subpart V, published at 48 FR 29115 (June 24, 1983).

The title and number of the Federal assistance program, as found in the Catalog of Federal Domestic Assistance, to which this notice applies are National Wool Act Payments-10.059.

Section 703(a) of the National Wool Act of 1954 ("Wool Act"), as amended, provides that the prices of wool and mohair to producers shall be supported by means of loans, purchases, payments, or other operations. It has been determined that the prices of wool and mohair will be supported for the 1991 through 1995 marketing years by means of payments to producers.

Section 703(b) of the Wool act provides that the level of support for shorn wool for each of the marketing years 1991 through 1995 shall be 77.5 percent of an amount which is determined by multiplying 62 cents (the support price in 1965) by the ratio of: (i) The average parity index (the index of prices paid by farmers, including commodities and services, interest, taxes, and farm wage rates) for the three calendar years immediately preceding the calendar year in which such support price is being determined and announced to (ii) the average parity index for the three calendar years 1958, 1959, and 1960, rounding the result to the nearest full cent.

Section 703(c) of the Wool Act provides that the support prices for pulled wool and for mohair shall be established at such levels, in relationship to the support price for shorn wool, which is determined to maintain normal marketing practices for pulled wool, and which is determined necessary to maintain approximately the same percentage of parity for mohair as for shorn wool. Section 703(c) further provides that the support price for mohair must be within a range of 15 percent above or below the comparable percentage of parity at which shorn wool is supported. In order to provide such support on pulled wool, CCC has determined that it will continue to make such support by means of payments on wool on unshorn lambs. It has also been determined that such support for mohair will be at 85 percent of the percentage of parity at which shorn wool is supported. The reason for this is that this percentage of parity provides an adequate level of support.

On December 6, 1991, a notice of proposed determinations was published at 56 FR 63926, requesting comments concerning the method of calculating the price support level for wool on unshorn lambs and the level of price support for mohair for the 1992 marketing year. The notice also indicated that the 1992 shorn wool support price (grease basis) would be \$1.96 per pound.

One written comment about mohair was received. The respondent did not endorse a specific price support level and urged that price support for mohair be continued, citing its importance to the producer in times of low market prices. The Department agrees with this comment which, since it is consistent with the proposed determinations, does not require the Department to make any amendments to its consideration.

One telephone comment was received from a mohair producer urging that mohair be supported at a minimum of \$4.75 per pound (an amount equivalent to about 88 percent of the wool parity percentage) which approximates the cost of mohair production in his area of Texas. This comment was rejected and mohair will be supported at 85 percent of the wool parity percentage because it provides for the best level of support on a nation-wide basis as opposed to a regional basis.

After consideration of the comments received, the following determinations have been made with respect to the wool and mohair price support programs for the 1992 marketing year. The 1992 support prices shall be \$1.97 per pound for shorn wool and \$4.613 per pound for mohair. The support rate for wool on unshorn lambs will continue to be calculated as it has been in previous years.

Final Determinations

A. Support Price—Shorn Wool

The average parity index for the 3-year period 1988–90 is 1217.3. The average parity index for the 3-year period of 1958–60 is 297.3. The ratio of these indices is 4.0945. The result of multiplying 4.0945 by the 1965 support price of \$0.62 per pound is \$2.5386. Applying the formula indicated in section 703(b) of the Wool Act, 77.5 percent of \$2.5386 is \$1.97, when rounded to the nearest full cent.

B. Support Price—Wool on Unshorn Lambs

The support price for wool on unshorn lambs for the 1992 marketing year cannot be determined until the 1992 national average market price for shorn wool is calculated, which will occur by April 1993. The method for calculating

the support price for wool on unshorn lambs shall be as follows: Once the 1992 national average market price for shorn wool is determined, the support price for wool on unshorn lambs will be determined by taking 80 percent of the difference between the 1992 support price for shorn wool and the 1992 national average market price for shorn wool, multiplied by 5 pounds (the amount of wool pulled from the pelt of an average 100-pound unshorn lamb).

C. Support Price—Mohair

The support price for mohair for the 1992 marketing year shall be 85 percent of the percentage of parity at which shorn wool is supported, or \$4.613 per pound. The calculation is as follows: The October 1991 parity prices for shorn wool and for mohair are \$3.35 and \$9.23 per pound, respectively. The support price for shorn wool for the 1992 marketing year as calculated in accordance with the formula set forth in section 703(b) of the Wool Act is \$1.97 per pound or 58.8 percent of the October 1991 parity price for shorn wool. The price support level for mohair for the 1992 marketing year is equal to 85 percent of 58.8 percent (the percentage of parity at which shorn wool is supported), which is equal to 49.98 percent. Accordingly, 49.98 percent of the October 1991 parity price for mohair results in a support price for mohair for the 1992 marketing year of \$4.613 per pound.

The support programs conducted pursuant to the Wool Act are subject to the provisions of the Balanced Budget and Deficit Reduction Act of 1985, as amended. As a result, the program support levels announced in this notice may be recalculated to comply with this Act.

Authority: 15 U.S.C. 714b and 714c and 7 U.S.C. 1781–1787.

Signed at Washington, DC, on June 23, 1992.

Keith D. Bjerke,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 92–15554 Filed 7–1–92; 8:45 am]

BILLING CODE 3410–05–M

Food Safety and Inspection Service

[Docket No. 92–016N]

Codex Alimentarius: Public Forum Solicitation of Participants

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice of public forum.

SUMMARY: The Food Safety and Inspection Service (FSIS), U.S. Department of Agriculture (USDA); the Food and Drug Administration (FDA), Health and Human Services; and the Environmental Protection Agency (EPA) are sponsoring a forum to solicit public comments and suggestions on U.S. participation in activities of the Codex Alimentarius Commission and the direction of future activities of such participation. The cosponsors of this public forum recognize the importance of providing interested parties the opportunity to obtain background information on the Codex Alimentarius, to discuss current Codex issues, and to address U.S. participation in the Codex process.

DATES: The public forum is scheduled for July 8, 1992, from 9 a.m. to 4 p.m. Written notice to participate in the forum should be filed by July 6, 1992. Written comments regarding the forum will be received until August 8, 1992.

ADDRESSES: The public forum will be held at the following location: Hyatt Regency Crystal City, 2799 Jefferson Davis Highway, Arlington, VA 22202.

The transcript of the public forum and copies of data and information submitted during the forum will be available for review at the Office of the FSIS Hearing Clerk, Room 3171 South Building, U.S. Department of Agriculture, Washington, DC., under Docket Number 92-016N.

FOR FURTHER INFORMATION CONTACT: Ms. Rhonda S. Nally, Executive Officer for Codex Alimentarius, Contact Point for the United States, U.S. Department of Agriculture, Food Safety and Inspection Service, Room 3175-South Building, 14th and Independence Avenue SW., Washington, DC., Telephone: (202) 720-9150; Fax No: (202) 720-5124.

SUPPLEMENTARY INFORMATION:

Background

The Codex Alimentarius Commission was established in 1962 by two United Nations organizations, the Food and Agriculture Organization (FAO) and the World Health Organization (WHO), as a mechanism for encouraging fair international trade in food while promoting the health and economic interests of consumers. Today, both groups continue to support Codex, with each contributing a portion of the Codex budget.

Codex provides a forum for the world's leading experts to discuss, debate, and reach scientific consensus on the food safety issues that affect trade. There are currently 141 member nations of Codex that work to develop

"standards" and "codes" dealing with basic principles, technical specifications for products, and good manufacturing practices.

Within the United States, Codex activities are coordinated by officials from USDA, FDA, and EPA. Dr. Alejandro B. Thiermann, Deputy Administrator, International Services, Animal and Plant Health Inspection Service, USDA, serves as the U.S. Coordinator for Codex Alimentarius. Dr. Fred R. Shank, Director, Center for Food Safety and Applied Nutrition, FDA, and Ms. Linda Fisher, Assistant Administrator for Pesticides and Toxic Substances, EPA, are the Assistant U.S. Coordinators for Codex Alimentarius.

Issues to be Discussed at the Forum

The following specific issues will be discussed during the public forum:

1. Introduction to Codex.
2. GATT Sanitary and Phytosanitary Measures and the relationship to Codex.
3. Codex Alimentarius in Transition.
4. The Role of the Expert Bodies.

In addition, in order to develop strategy and direction for future Codex activities, we will open the forum for public comment in the following areas:

1. What specific changes should be made in the purpose, activities, and philosophy of Codex?
2. What do you hope to see in the next 5 years in terms of:
 - What Codex accomplishes, and
 - how Codex operates?

Participants are also free to identify other related issues concerning Codex and to provide comments.

The public forum will be open to all interested parties. Representatives from the following categories are encouraged to participate in this public forum:

1. Consumer groups.
2. Industry groups.
3. Trade associations and recognized professional groups.
4. Other interested departments or agencies (including State offices).
5. Academia.
6. General public.

All persons wishing to participate in the public forum should submit a written request to Ms. Rhonda S. Nally, Executive Officer for Codex Alimentarius. (See "Addresses").

The written request should contain the following:

- (1) participant's name, address, and phone number; and (2) name of company, corporation, organization, or group being represented.

FSIS will prepare a forum schedule showing the persons slated to

participate. A schedule of participants will be available before the forum and will also be filed with the FSIS Hearing Clerk. (See **ADDRESSES**).

The agencies are holding this forum to gather information and general comments on Codex Alimentarius. All information and comments presented, along with written comments, will be carefully reviewed and considered.

Done at Washington, DC., on June 26, 1992.

H. Russel Cross,

Administrator Food Safety and Inspection Service.

[FR Doc. 92-15505 Filed 7-1-92; 8:45 am]

BILLING CODE 3410-D-M

Forest Service

North Lightning Analysis Area; Idaho Panhandle National Forests, Bonner County, ID

AGENCY: Forest Service, USDA.

ACTION: Notice of Intent to Prepare an Environmental Impact Statement.

SUMMARY: The Forest Service will prepare an Environmental Impact Statement (EIS) to document the analysis and disclose the environmental impacts of proposed actions to harvest timber, build roads, improve existing stands of trees, and regenerate new stands of trees in Trout Creek, Kirby Creek, Trestle Creek, and Strong Creek drainages, which flow directly into the northern portion of Lake Pend Oreille. The proposed actions also incorporate areas encompassed by the upper Quartz Creek drainage which flows east into Lightning Creek; and upper Trapper Creek, Flume Creek, and Spring Creek drainages which flow west and north into Rapid Lightning Creek. Lightning Creek and Rapid Lightning Creek flow southerly into Lake Pend Oreille. The analysis area consists of approximately 25,000 acres, and is located approximately 10 air miles east of Sandpoint, Idaho.

DATE: Written comments concerning the scope of the analysis should be received within 45 days of the date of publication of this Notice in the Federal Register. A Public meeting is scheduled for 7:30 p.m. July 30, 1992 in the Conference Room on the Main Floor of the Federal building, 1500 Highway 2, Sandpoint, Idaho.

ADDRESSES: Written comments should be sent to: S. Blaise Chanson, Senior Environmental Analyst, BIO/WEST, Inc., 1063 West 1400 North, Logan, Utah 84321.

FOR FURTHER INFORMATION CONTACT: Specific questions about the proposed

action, analysis and EIS should be directed to S. Blaise Chanson, Senior Environmental Analyst, BIO/WEST, Inc., Phone (801) 752-4202; or to Nancy Kertis, District Representative, Sandpoint Ranger District, Phone (208) 263-5111.

SUPPLEMENTARY INFORMATION: The North Lightning analysis projects will be administered by the Sandpoint Ranger District of the Idaho Panhandle National Forests, Bonner County, Idaho. Because of the potential for significant impacts resulting from the proposed action (as defined by 40 CFR 1508.27), an Environmental Impact Statement (EIS) will be prepared by an independent consultant, BIO/WEST, Inc., under the specifications of Contract No. 53-0343-1-ID167 with the Idaho Panhandle National Forests. Although not being prepared in-house, the EIS will be a Forest Service document, with the Forest Service acting as the lead agency. As such, the EIS will be subject to all appropriate Forest Service regulations and guidelines. The EIS will tie to the Idaho Panhandle National Forests Forest Plan (August 1987), which provides the overall guidance (Goals, Objectives, Standards and Guidance, and Management Area direction) in achieving the desired future condition for this area. The purpose and goals for the proposed action are to (1) foster forest regulation in the North Lightning analysis area; (2) improve growth and yield of desired species and size; and (3) to provide for North Lightning analysis area's share of the Allowable Sale Quantity (ASQ).

The Forest Plan provides the overall guidance for management activities in the potentially affected area through its Goals, Objectives, Standards and Guidelines, and Management Area direction. The potentially affected area is within the following Management Areas:

Management Area 1: Provide for long-term growth and cost effective production of commercially valuable wood products on those lands suitable for timber production.

Management Area 2: Manage identified grizzly bear habitat to support the Forest's share of a recovered grizzly bear population, while providing the production of commercially valuable wood products.

Management Area 9: Manage to maintain and protect existing improvements and resource productive potential with minimum investments.

Management Area 16: Manage riparian areas to feature riparian-dependent resources (fish, water quality, natural channels, and biotic

communities), while producing other resource outputs.

The western boundary of the North Lightning Analysis Area is the administrative Kaniksu Forest boundary as it heads north from the town of East Hope and approximates the eastern shore of Lake Pend Oreille. It follows this boundary approximately five miles upstream on the Pack River, and then continues to follow the administrative forest boundary as it heads east and north for approximately 12 miles to upper Trapper Creek. The northern boundary of the project area heads east for about two miles and is contiguous with the southern boundary of the Mt. Willard/Lake Estelle Roadless Area (#X01173). It stays contiguous with this administrative boundary as the eastern project area boundary turns south along the ridge line to Lunch Peak. The eastern project area boundary continues south following Nosebag Creek downstream to Quartz Creek. The boundary continues south following Quartz Creek upstream to its headwaters, over the divide, and then down Trestle Creek for approximately five miles before following a ridge to Round Top. The eastern project boundary from Quartz Creek to south Round Top is contiguous with the western administrative boundary for the Trestle Peak Roadless Area (#01129). The southeastern boundary of the project area follows the eastern drainage divide of Strong Creek south to East Hope. The geographic scope of the analysis will depend on the resources, and may require analysis beyond the project area boundary.

The Forest Service is seeking information and comments from Federal, State and local agencies as well as individuals and organizations who may be interested in, or affected by, the proposed action. The Forest Service invites written comments and suggestions on the issues for the proposal and the area being analyzed. For most effective use, comments should be submitted to BIO/WEST, Inc. within 45 days of publication of this notice in the **Federal Register**. Information received will be used in the preparation of the Draft EIS. This preparation includes the steps:

1. Identification of potential issues.
2. Identification of issues to be analyzed in depth.
3. Elimination of issues of minor importance, or those covered by previous relevant environmental analysis.
4. Identification of reasonable alternatives to the proposed action.
5. Identification of the potential environmental effects of the alternatives.

The analysis will consider a range of alternatives developed from the key issues. One of these will be the "No Action" alternative, in which all harvest is deferred. Other alternatives will consider various levels and locations of harvest and regeneration in response to issue and non-timber objectives. Among these alternatives will be a "leave-it-green" approach that will leave at least 50 percent of the existing crown canopy within any unit proposed for harvest. Another alternative will conduct harvest activities with minimal, if any, new road construction.

The analysis will evaluate the environmental effects of each alternative. This analysis will be consistent with the standards and management direction outlined in the Forest Plan. The direct, indirect, and cumulative effects of each alternative will be analyzed and documented. In addition, the site specific mitigation measures for each alternative will be identified and the effectiveness of those mitigation measures will be disclosed.

Agencies and other interested parties are invited to visit the Forest Service officials or BIO/WEST representatives any time during the process. Two specific time periods are identified for the receipt of formal comments on the analysis. The two comment periods are: (1) During the scoping process (the next 45 days) and, (2) during the formal review period of the Draft EIS.

The Draft EIS is estimated to be filed with the Environmental Protection Agency (EPA) and be available for public review in early April 1993. At that time the EPA will publish a notice of availability of the Draft EIS in the **Federal Register**. The comment period on the Draft EIS will be 45 days from the date the EPA publishes the notice of availability in the **Federal Register**. To be the most help, comments on the Draft EIS should be as specific as possible and may address the adequacy of the statement or the merits of the alternatives discussed. Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.

The Forest Service believes it is important to give reviewers notice at this early stage of several federal court decisions related to public participation in the environmental review process. First, reviewers of The Draft EIS must structure their participation in the environmental review of the proposal so that it is meaningful and alters an agency to the reviewer's position and

contentions. *Vermont Yankee Nuclear Power Corp. v. NRDC*, 435 U.S. 519, 533 (1978). Second, environmental objections that could have been raised at the draft stage may be waived if not raised until after completion of the final environmental impact statement. *City of Angoon v. Hodel*, (9th Circuit, 1986) and *Wisconsin Heritages, Inc. v. Harris*, 490 F. Supp. 1334, 1338 (E.D. Wis., 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 45 day comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final EIS.

The Final EIS is expected to be released July 23, 1993. The District Ranger who is the responsible official for this EIS will make a decision regarding this proposal considering the comments and responses, environmental consequences discussed in the Final Environmental Impact Statement, and applicable laws, regulation, and policies. The decision and reasons for the decision will be documented in a Record of Decision.

Dated: June 23, 1992.

Claire Lavendel,

District Ranger, Sandpoint Ranger District,
Idaho Panhandle National Forests.

[FR Doc. 92-15504 Filed 7-1-92; 8:45 am]

BILLING CODE 3410-11-M

Cedar Timber Sale, Medicine Bow National Forest, Carbon County, WY

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The Forest Service will prepare an environmental impact statement to analyze and disclose the environmental effects of a site specific proposal to harvest timber in the Cedar Pass area of the Brush Creek Ranger District, Medicine Bow National Forest, Carbon County, Wyoming. The proposal could have impacts on the Pennock Mountain "roadless area." The National Environmental Policy Act (NEPA) requires an early and open process for determining the scope of issues to be addressed and for identifying the significant issues related to the proposal.

The Forest Service is seeking comments during the scoping analysis from other Federal, State, and local agencies, and organizations and individuals who may be interested or affected by the decision. The analysis process will include:

1. Identification of the issues to be addressed.
2. Identification of issues to be analyzed in depth.
3. Elimination of insignificant issues, issues covered by previous environmental review, and issues not within the scope of this decision.

DATES: Comments concerning the scope of the analysis should be received in writing by July 31, 1992.

ADDRESSES: Send written comments to Don G. Carroll, District Ranger, Brush Creek Ranger District, P.O. Box 249, Saratoga, Wyoming, 82331.

FOR FURTHER INFORMATION CONTACT: Traute Parrie, Environmental Coordinator, P.O. Box 249, Saratoga, Wyoming, 82331, phone 307-326-5258.

SUPPLEMENTARY INFORMATION: The Cedar Timber Sale is a site-specific project identified in the Medicine Bow Land and Resource Management Plan (Forest Plan). The proposed timber sale could have impacts on the Pennock Mountain "roadless area." This project was tentatively scheduled during the first ten-year period of the Forest Plan, and is intended to implement the Plan and achieve the desired future condition for the area.

The decisions to be made include how to best manage the Cedar area, and whether to implement the proposed timber sale and other related activities. The related activities could include road construction and reconstruction, treatment of logging residue, site preparation, tree planting and thinning, some road closures, and other restoration projects such as erosion control projects, fisheries rehabilitation projects, gravel pit restoration, and rehabilitation of dispersed camping sites or ATV (All terrain vehicle) trails.

A reasonable range of alternatives, including "no action", which would result in no development of the area, and the "proposed action" will be considered. Other alternatives may be formulated as a result of scoping, and may consider various combinations of development designs for timber harvest, transportation, range, wildlife and fishery habitat activities, and visual and recreation opportunities.

The Deciding Official will be Gerald G. Heath, Forest Supervisor, Medicine Bow National Forest, 2468 Jackson Street, Laramie, Wyoming, 82070-6535.

We expect to publish a draft environmental impact statement (DEIS) in April of 1993, to ask for public comment on the draft material for a period of 45 days, and to complete a final environmental impact statement (FEIS) in September of 1993.

The 45 day public comment period on the DEIS will begin on the day the Environmental Protection Agency publishes a "Notice Of Availability" in the Federal Register.

The Forest Service believes it is important to give reviewers notice at this early stage of several court rulings related to public participation in the environmental review process. First, reviewers of draft environmental impact statements must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp. v. NRDC*, 435 U.S. 519, 553 (1978). Also, environmental objections that could be raised at the draft environmental impact statement stage but that are not raised until after completion of the final environmental impact statement may be waived or dismissed by the courts. *City of Angoon v. Hodel*, 803 F.2d 1016, 1022 (9th Cir. 1986) and *Wisconsin Heritages, Inc. v. Harris*, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 45-day comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final environmental impact statement.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft environmental impact statement should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the draft environmental impact statement or the merits of the alternatives formulated and discussed in the statement. (Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.) Please note that comments you make on the draft environmental impact statement will be regarded as public information.

Dated: June 22, 1992.

Gerald G. Heath,

Forest Supervisor.

[FR Doc. 92-15574 Filed 7-1-92; 8:45 am]

BILLING CODE 3410-11-M

Newberry National Monument Advisory Council Meeting Notice

AGENCY: Forest Service, USDA.

ACTION: Newberry National Volcanic Monument Commission Meeting.

SUMMARY: The Newberry National Volcanic Monument Advisory Council will meet on July 17, at 6:30 p.m., at the Lava Lands Visitor Center, Deschutes National Forest, 11 miles south of Bend, Oregon. An agenda for the meeting will consist of an orientation to the Monument, planning status, review of Monument legislation, advisory council operation, and future meeting schedules.

Interested members of the public are encouraged to attend.

FOR FURTHER INFORMATION CONTACT:

Direct questions regarding this meeting to Alice Doremus or Greg R. McClarren, Deschutes National Forest, 1645 Highway 20 East, Bend, OR 97701, telephone (503) 383-4703 or 383-5561.

Dated: June 26, 1992.

Sally Collins,

Deputy Forest Supervisor.

[FR Doc. 92-15529 Filed 7-1-92; 8:45 am]

BILLING CODE 3410-11-M

Soil Conservation Service

Lahaina Watershed, Maui County, Hawaii

AGENCY: Soil Conservation Service.

ACTION: Notice of a finding of no Significant Impact.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR part 1500); and the Soil Conservation Service Guidelines (7 CFR part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Lahaina Watershed, Maui County, Hawaii.

FOR FURTHER INFORMATION CONTACT: Warren M. Lee, State Conservationist, Soil Conservation Service, P.O. Box 50004, Honolulu, Hawaii, 96850, Telephone (808) 541-2600.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Warren M. Lee, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The project concerns a plan to provide a 100-year level of flood protection to urban and agricultural properties in the Lahaina Watershed. The planned works of improvement include a flood water diversion that runs between Lahainaluna Road and Kauaula Stream supported by an inlet basin, a water-energy dissipating basin, and three sediment basins. The construction of a debris basin on Kauaula Stream and a channel, with a sediment basin, to a second ocean outlet, 3,600 feet south of Kauaula Stream, are also proposed.

The notice of a finding of no significant impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic information developed during the environmental assessment are on file and may be reviewed by contacting Warren M. Lee, State Conservationist, Soil Conservation Service, P.O. Box 50004, Honolulu, Hawaii, 96850, telephone (808) 541-2600.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the Federal Register.

(The activity is listed in the Catalog of Federal Domestic Assistance under No. 10.904—Watershed Protection and Flood Protection Prevention—and is subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials.)

Dated: June 19, 1992.

Warren M. Lee,

State Conservationist.

[FR Doc. 92-15578 Filed 7-1-92; 8:45 am]

BILLING CODE 3410-16-M

DEPARTMENT OF COMMERCE

Agency Information Collection Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: Patent and Trademark Office (PTO)

Title: Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures

Number: OMB Number: 0651-0024

Type of Request: Extension

Burden: 2500 respondents; 625 reporting hours. Average is 15 minutes.

Needs and Uses: The use, by biotechnology patent applicants, of a standardized format for the submission, in paper and computer readable form, of sequence information as well as the submission relevant application and computer readable form information, is required by the PTO to permit proper examination and processing of such applications.

Affected Public: Individuals; businesses or other for profit organizations, Federal agencies or employees; Non-profit institutions; Small Business or organizations.

Frequency: On Occasion

Respondent's Obligation: Required to obtain a benefit.

OMB Desk Officer: Maya A. Bernstein, 395-3785.

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance Officer, Edward Michals, (202) 377-3271, Department of Commerce, room 5327, 14th and Constitution Avenue NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to Maya A. Bernstein, OMB Desk Officer, Room 3235, New Executive Office Building, Washington, DC 20503.

Dated: June 29, 1992.

Edward Michals,

Department Clearance Officer, Office of Management and Organization.

[FR Doc. 92-15625 Filed 7-1-92; 8:45 am]

BILLING CODE 3510-CW-M

Agency Information Collection Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: Patent and Trademark Office (PTO)

Title: Practice Before the Patent and Trademark Office

Form Number: Agency: N/A OMB #: 0651-0017

Type of Request: Extension

Burden: Reporting Requirement: 65 respondents totalling 98 hours. Average reporting time is 90 minutes. Recordkeeping Requirement: 220 recordkeepers totalling 170 hours. Average recordkeeping time is 9 hours annually.

Needs and Uses: The PTO Code of Professional Responsibility (37 CFR

10.20 to 10.112) requires that an attorney or agent shall report knowledge of certain violations of the code to PTO. Disciplinary Rule 37 CFR 10.112(c) of the PTO Code requires that an attorney or agent maintain complete records of all funds, securities, and other properties of clients coming into his or her possession and to render appropriate accounts to the client.

Affected Public: Individuals, Federal agencies or employees.

Frequency: On Occasion.

Respondent's Obligation: Required to obtain a benefit.

OMB Desk Officer: Maya A. Bernstein, (202) 395-3785.

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance Officer, Edward Michals, (202) 377-3271, Department of Commerce, room 5327, 14th and Constitution Avenue, NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to Maya A. Bernstein, OMB Desk Officer, Room 3235, New Executive Office Building, Washington, DC 20503.

Dated: June 29, 1992.

Edward Michals,

Departmental Clearance Officer, Office of Management and Organization.

[FR Doc. 92-15626 Filed 7-1-92; 8:45 am]

BILLING CODE 3510-CW-M

International Trade Administration

[A-570-007]

Barium Chloride From the People's Republic of China; Final Results of Antidumping Duty Administrative Review

AGENCY: Import Administration/International Trade Administration, Department of Commerce.

ACTION: Notice of preliminary results of antidumping duty administrative review.

SUMMARY: On April 27, 1992, the Department of Commerce (the Department) published in the *Federal Register* (57 FR 15281) the preliminary results of its administrative review of the antidumping duty order on barium chloride from the People's Republic of China. The review covers one manufacturer/exporter of this merchandise and the period October 1, 1990 through September 30, 1991. The review indicates that there were no shipments of the subject merchandise to the United States during the review period.

Interested parties were given an opportunity to submit oral or written comments. We received no comments and the results are unchanged from the preliminary results.

EFFECTIVE DATE: July 2, 1992.

FOR FURTHER INFORMATION CONTACT:

Arthur N. DuBois or Thomas F. Futtner, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230, telephone: (202) 377-8312/3814.

SUPPLEMENTARY INFORMATION:

Background

On April 27, 1992, the Department published in the *Federal Register* (57 FR 15281) the preliminary results of its administrative review of the antidumping duty order (October 17, 1984, 49 FR 40675). The Department has now completed that administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Tariff Act).

Scope of the Review

Imports covered by the review are shipments of barium chloride, a chemical compound having the formula BaCl_2 or $\text{BaCl}_2 \cdot 2\text{H}_2\text{O}$, currently classifiable under item number 2827.38.00 of the Harmonized Tariff Schedule (HTS). HTS item numbers are provided for convenience and for Customs purposes. The written descriptions remain dispositive.

The review covers one Chinese manufacturer/exporter of this merchandise, China National Chemicals Import and Export Corporation (SinoChem), and the period October 1, 1990 through September 30, 1991.

Final Results of the Review

We determined that SinoChem had no shipments of the subject merchandise during the period of review. Therefore, we are continuing the deposit rate established in the final results of the last administrative review, published in the *Federal Register* on January 3, 1989 (54 FR 52), 60.84 percent.

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. The Department will issue appraisement instructions directly to the Customs Service.

Furthermore, the following deposit requirements will be effective upon publication of this notice of final results of administrative review for all shipments of the subject merchandise, entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of

this administrative review, as provided for by section 751(a)(1) of the Tariff Act: (1) The cash deposit rate for the reviewed company will be 60.84 percent; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original less than fair value investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will be 7.82 percent. This rate normally represents the highest rate for any firm with shipments in this administrative review, other than those firms receiving a rate based entirely on best information available (BIA). Since the only firm in this review had no shipments, this rate represents the highest non-BIA rate in the most recent review in which such a rate was established, pursuant to new Department practice.

These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22.

Dated: June 22, 1992.

Alan M. Dunn,

Assistant Secretary for Import Administration.

[FR Doc. 92-15614 Filed 7-1-92; 8:45 am]

BILLING CODE 3510-DS-M

[A-588-029]

Fishnetting of Man-Made Fibers From Japan; Preliminary Results of Antidumping Duty Administrative Review

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice of preliminary results of antidumping duty administrative review.

SUMMARY: In response to requests from certain importers and exporters, the Department is conducting an administrative review of the antidumping duty order on fishnetting of man-made fibers from Japan. The review covers two exporters, Momoi Fishing Net Manufacturing Company, Ltd. (Momoi) and Nippon Kenmo company, Ltd. (Kenmo), and exports of the subject merchandise to the United States during the period from June 1, 1990, through May 31, 1991. As a result of the review, the Department has preliminarily determined that dumping margins exist with respect to Kenmo only.

Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: July 2, 1992.

FOR FURTHER INFORMATION CONTACT: Bruce Harsh or Alain Letort, Office of Agreements Compliance, Import Administration, U.S. Department of Commerce, Washington, DC 20230; telephone (202) 377-3793.

SUPPLEMENTARY INFORMATION:**Background**

On July 30, 1990, the Department of Commerce (the Department) published in the Federal Register (55 FR 30948) the final results of its last administrative review, covering the period June 1, 1988, through May 31, 1989, of the antidumping finding on fishnetting of man-made fibers from Japan (37 FR 11560-June 9, 1972).

On June 5, 1991, the Department published a Notice of Opportunity to Request an Administrative Review (56 FR 25663) for the period June 1, 1990, through May 31, 1991. The Department received timely requests for an administrative review on June 24, 1991, from an exporter, Nippon Kenmo Co., Ltd. (Kenmo) of Eba, Kuvana, Mie-ken, Japan, and on June 26, 1991, from Seattle Marine Fishing Supply Company of Seattle, Washington, and LFS, Inc. of Bellingham, Washington, both importers of fishnetting of man-made fibers from Japan and purchasers of fishnetting from Momoi Fishing Net Manufacturing Company, Ltd. (Momoi), of Ako, Hyogo-ken, Japan. The Department initiated the review, covering the period June 1, 1990 through May 31, 1991, on July 19, 1991 (56 FR 33251). The Department is now conducting this review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

Scope of the Review

The products covered by this review are fishnetting of man-made fibers, not including salmon gill netting, from Japan. This merchandise is currently classified under items 5608.11.00 and 5608.90.10 of the Harmonized Tariff Schedule (HTS). The HTS item numbers are provided for convenience and customs purposes. The written product description remains dispositive.

This review covers entries of the subject merchandise by Momoi and Kenmo during the period from June 1, 1990 through May 31, 1991.

United States Price

In accordance with section 772(b) of the Act, the Department based the United States price (USP) on purchase price (PP), because the merchandise was sold to unrelated purchasers in the United States prior to its importation. We used the contract date as the date of sale. We calculated purchase price for Momoi based on c.i.f., packed prices to unrelated purchasers in the United States. We made deductions, where appropriate, for ocean freight, marine insurance, shipping charges, and inland freight.

We solicited specific suggestions on product matches from both Momoi and the petitioners, and used the most detailed product comparison information on the record. We made no adjustment for any differences in the physical characteristics of the merchandise being compared, since there was no information on the record that would have allowed us to make such an adjustment.

Foreign Market Value

In accordance with section 773(a) of the Act, the Department calculated foreign market value for Momoi based on f.o.b., delivered prices to unrelated purchasers in the home market. We used the contract date as the date of sale. We adjusted foreign market value for the differences in packing costs between the two markets.

Use of Best Information Available

Because Kenmo failed to respond to our requests for information, the Department, in accordance with section 776(c) of the Act, has used the best information otherwise available (BIA) for this company. Section 353.37(b) of the Department's regulations provides that the Department may take into account in determining what is the best information available whether a party fails to provide requested information, as is the case with Kenmo, or otherwise significantly impedes the Department's

review. In this case, the Department has used as BIA for Kenmo the highest rate determined for any firm during any segment of this proceeding.

Preliminary Results of Review

As a result of our comparison of United States price to foreign market value, the Department preliminarily determines the following weighted-average dumping margins:

Manufacturer/producer/exporter	Margin (per-cent)
Momoi Fishing Net Mfg. Co., Ltd.....	0.00
Nippon Kenmo Co., Ltd.....	38.26

The following deposit requirements shall be effective for all shipment of the subject merchandise that are entered, or withdrawn from warehouse, for consumption on or after that publication date of the final results of this administrative review, as provided by section 751(a)(1) of the Act: (1) The cash deposit rates for the reviewed companies shall be those rates established in the final results of this administrative review; (2) for previously reviewed or investigated companies not listed above, the cash deposit shall continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value investigation, but the manufacturer is, the cash deposit rate shall be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters shall be the "all other" rate established in the final results of this administrative review. This rate represents the highest rate for any firm with shipments in the administrative review, other than those firms receiving a rate based entirely on the BIA.

These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

Public Comment

Interested parties may request disclosure within 5 days of the date of publication of this notice and may request a hearing within 10 days of publication. Any hearing, if requested, will be held 44 days after the date of publication of this notice, or the first workday thereafter. Case briefs and/or written comments from interested parties may be submitted not later than 30 days after the date of publication.

Rebuttal briefs and rebuttals to written comments, limited to the issues raised in the case briefs and comments, may be filed not later than 37 days after the date of publication. The Department will publish the final results of this administrative review, including the results of its analysis of any such written comments or hearing.

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This administrative review and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and § 353.22 of the Department's regulations.

Dated: June 22, 1992.

Alan M. Dunn,

Assistant Secretary for Import Administration.

[FR Doc. 92-15618 Filed 7-1-92; 8:45 am]

BILLING CODE 3510-DS-M

[A-559-802]

Industrial Belts and Components and Parts Thereof, Whether Cured or Uncured, From Singapore, Final Results of Antidumping Duty Administrative Review

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of Final results of antidumping duty administrative review.

SUMMARY: On March 4, 1992, the Department of Commerce published the preliminary results of its administrative review of the antidumping duty order on industrial belts and components and parts thereof, whether cured or uncured, from Singapore (57 FR 7734). The review covers one manufacturer/exporter of the subject merchandise, Mitsubishi Belting (Singapore) Pte., Ltd., and the period June 1, 1990 through May 31, 1991.

As a result of the review, the Department has determined to assess antidumping duties based on the best information available.

EFFECTIVE DATE: July 2, 1992.

FOR FURTHER INFORMATION CONTACT: Millie Mack or Jean C. Kemp, Office of Agreements Compliance, International Trade Administration, U.S. Department

of Commerce, Washington, DC 20230; telephone (202) 377-3793.

SUPPLEMENTARY INFORMATION:

Background

On July 19, 1991, in accordance with 19 CFR 353.22(c), the Department of Commerce (the Department) initiated an administrative review of the antidumping duty order (54 FR 25315, June 14, 1989) on industrial belts and components and parts thereof from Singapore for the period June 1, 1990 through May 31, 1991 (56 FR 33251). On March 4, 1992, we published the preliminary results of this administrative review (57 FR 7734). The Department has now completed this review in accordance with section 751 of the Tariff Act of 1930, as amended (the Tariff Act).

Scope of the Review

The products covered by this review are shipments of industrial belts and components and parts thereof, whether cured or uncured, from Singapore. The covered merchandise consists of certain industrial V-belts used for power transmission. These include V-belts, in part or wholly of rubber or plastic, and containing textile fiber (including glass fiber) or steel wire, cord or strand, and whether in endless (i.e., closed loops) belts, or in belting in lengths or links.

This review excludes conveyor belts and automotive belts as well as front engine drive belts found on equipment powered by internal combustion engines, including trucks, tractors, buses, and lift trucks.

During the review period, the merchandise and classifiable under Harmonized Tariff (HTS) subheadings 3926.90.55, 4010.10.10, 4010.10.50, 5910.00.10, 5910.00.90, and 7326.20.00. The HTS subheadings are provided for convenience and Customs purposes. The written description remains dispositive.

The review covers the shipments of one manufacturer/exporter of industrial belts from Singapore to the United States, Mitsubishi Belting (Singapore) Pte., Ltd. (MBS), and the period June 1, 1990 through May 31, 1991.

Final Results of the Review

Because MBS did not respond to our questionnaire, we preliminarily determined to use best information available (BIA). As BIA, we used the rate from the original investigation of sales at less-than-fair-value, which was 31.73 percent. We gave interested parties an opportunity to comment on our preliminary results; we received no comments. Therefore, the antidumping duty margin is 31.73 percent for merchandise produced by MBS entered

during the period June 1, 1990 through May 31, 1991.

The Department shall determine, and the U.S. Customs Service shall assess, antidumping duties on all appropriate entries. The Department will issue appraisement instructions directly to the Customs Service.

Furthermore, the following deposit requirements will be effective upon publication of this notice of final results of administrative review for all shipments of the subject merchandise, entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(1) of the Tariff Act: (1) The cash deposit rate for the reviewed company will be as outlined above; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will be 31.73 percent. This rate normally represents the highest rate for any firm with shipments in the administrative review, other than those firms receiving a rate based entirely on best information available. Because the only firm in this review received a BIA rate, and there is no previous review in which a non-BIA rate was established, the "all other" rate will be the "all other" rate from the original investigation of sales at less-than-fair-value.

These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

In addition, this notice serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in

accordance with 19 CFR 353.35(d). Failure to comply is a violation of the APO.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22.

Dated: June 26, 1992.

Alan M. Dunn,

Assistant Secretary for Import Administration.

[FR Doc. 92-15624 Filed 7-1-92; 8:45 am]

BILLING CODE 3510-DS-M

[A-507-502]

In-Shell Pistachios From Iran; Intent To Revoke Antidumping Duty Order

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of intent to revoke antidumping duty order.

SUMMARY: The Department of Commerce is notifying the public of its intent to revoke the antidumping duty order on in-shell pistachios from Iran. Interested parties who object to this revocation must submit their comments in writing no later than July 31, 1992.

EFFECTIVE DATE: July 2, 1992.

FOR FURTHER INFORMATION CONTACT: Robert J. Marenick, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230, telephone: (202) 377-5255.

SUPPLEMENTARY INFORMATION:

Background

On July 17, 1986, the Department of Commerce ("the Department") published an antidumping duty order on in-shell pistachios from Iran (51 FR 25922). The Department has not received a request to conduct an administrative review of this order for the most recent four consecutive annual anniversary months.

The Department may revoke an order or finding if the Secretary of Commerce concludes that it is no longer of interest to interested parties. Accordingly, as required by section 353.25(d)(4) of the Department's regulations, we are notifying the public of our intent to revoke this order.

Opportunity to Object

No later than July 31, 1992, interested parties, as defined in section 353.2(k) of the Department's regulations, may object to the Department's intent to revoke this antidumping duty order.

Seven copies of any such objections should be submitted to the Assistant

Secretary for Import Administration, International Trade Administration, room B-099, U.S. Department of Commerce, Washington, DC 20230.

If interested parties do not request an administrative review by July 31, 1992, in accordance with the Department's notice of opportunity to request administrative review, or object to the Department's intent to revoke by July 31, 1992, we shall conclude that the order is no longer of interest to interested parties and shall proceed with the revocation.

This notice is in accordance with 19 CFR 353.25(d).

Dated: June 26, 1992.

Joseph A. Spetrini,

Deputy Assistant Secretary for Compliance.

[FR Doc. 92-15615 Filed 7-1-92; 8:45 am]

BILLING CODE 3510-DS-M

[A-588-041]

Synthetic Methionine From Japan; Intent To Revoke Antidumping Finding

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of intent to revoke antidumping finding.

SUMMARY: The Department of Commerce is notifying the public of its intent to revoke the antidumping finding on synthetic methionine from Japan. Interested parties who object to this revocation must submit their comments in writing no later than July 31, 1992.

EFFECTIVE DATE: July 2, 1992.

FOR FURTHER INFORMATION CONTACT: Dennis Askey or Melissa Skinner, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230, telephone: (202) 377-4851.

SUPPLEMENTARY INFORMATION:

Background

On July 10, 1973, the Department of Treasury published an antidumping finding on synthetic methionine from Japan (38 FR 18382). The Department of Commerce ("the Department") has not received a request to conduct an administrative review of this finding for the most recent four consecutive annual anniversary months.

The Department may revoke an order or finding if the Secretary of Commerce concludes that it is no longer of interest to interested parties. Accordingly, as required by section 353.25(d)(4) of the Department's regulations, we are notifying the public of our intent to revoke this finding.

Opportunity to Object

No later than July 31, 1992, interested parties, as defined in § 353.2(k) of the Department's regulations, may object to the Department's intent to revoke this antidumping finding.

Seven copies of any such objections should be submitted to the Assistant Secretary for Import Administration, International Trade Administration, room B-099, U.S. Department of Commerce, Washington, DC 20230.

If interested parties do not request an administrative review by July 31, 1992, in accordance with the Department's notice of opportunity to request administrative review, or object to the Department's intent to revoke by July 31, 1992, we shall conclude that the finding is no longer of interest to interested parties and shall proceed with the revocation.

This notice is in accordance with 19 CFR 353.25(d).

Dated: June 26, 1992.

Joseph A. Spetrini,

Deputy Assistant Secretary for Compliance.

[FR Doc. 92-15623 Filed 7-1-92; 8:45 am]

BILLING CODE 3510-DS-M

National Oceanic and Atmospheric Administration

Pacific Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The Pacific Fishery Management Council's (Council) Coastal Pelagic Species Advisory Subpanel and Plan Development Team will hold a public meeting on July 14, 1992, beginning at 10:30 a.m. The meeting will be held at the National Marine Fisheries Service, Southwest Regional office, suite 4200, 501 West Ocean Boulevard, Long Beach, CA.

The purpose of this meeting is to review the status and progress on the fishery management plan for coastal pelagic species, (anchovy, Pacific whiting, jacket mackerel and northern anchovy).

For more information contact Patricia Wolf from the California Department of Fish and Game at (213) 590-5117 or Larry Jacobson from the National Marine Fisheries Service at (619) 546-7117. For the information of individuals planning to attend this meeting, there is no public parking in the building; however, public parking is available immediately behind the building on Magnolia Street at a cost of \$3.00 per day.

Dated: June 26, 1992.

Richard H. Schaefer,

Director of Office of Fisheries Conservation
and Management, National Marine Fisheries
Service.

[FR Doc. 92-15585 Filed 7-1-92; 8:45 am]

BILLING CODE 3510-22-DM

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of an Import Limit for Certain Man-Made Fiber Textile Products Produced or Manufactured in the People's Republic of China

June 26, 1992.

AGENCY: Committee for the
Implementation of Textile Agreements
(CITA).

ACTION: Issuing a directive to the
Commissioner of Customs increasing a
limit.

EFFECTIVE DATE: July 6, 1992.

FOR FURTHER INFORMATION CONTACT:

Janet Heinzen, International Trade
Specialist, Office of Textiles and
Apparel, U.S. Department of Commerce,
(202) 377-4212. For information on the
quota status of this limit, refer to the
Quota Status Reports posted on the
bulletin boards of each Customs port or
call (202) 566-6828. For information on
embargoes and quota re-openings, call
(202) 377-3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March
3, 1972, as amended; section 204 of the
Agricultural Act of 1956, as amended (7
U.S.C. 1854).

The current limit for Category 614 is
being increased by application of swing.
The reduction to the donor category is
being done in a separate directive. As a
result of the increase, the limit for
Category 614, which is currently filled,
will re-open.

A description of the textile and
apparel categories in terms of HTS
numbers is available in the
CORRELATION: Textile and Apparel
Categories with the Harmonized Tariff
Schedule of the United States (see
Federal Register notice 56 FR 60101,
published on November 27, 1991). Also
see 55 FR 60976, published on November
29, 1991.

The letter to the Commissioner of
Customs and the actions taken pursuant
to it are not designed to implement all of
the provisions of the bilateral
agreement, but are designed to assist

only in the implementation of certain of
its provisions.

Auggie D. Tantillo,

Chairman, Committee for the Implementation
of Textile Agreements.

Committee for the Implementation of Textile
Agreements

June 26, 1992.

Commissioner of Customs,

Department of the Treasury, Washington, DC
20229.

Dear Commissioner: This directive amends,
but does not cancel, the directive issued to
you on November 22, 1991, by the Chairman,
Committee for the Implementation of Textile
Agreements. That directive concerns imports
of certain cotton, wool, man-made fiber, silk
blend and other vegetable fiber textiles and
textile products, produced or manufactured in
the People's Republic of China and exported
during the twelve-month period which began
on January 1, 1992 and extends through
December 31, 1992.

Effective on July 6, 1992, you are directed to
amend further the directive dated November
22, 1991, to increase the limit for Category 614
to 10,869,343 square meters¹, as provided
under the terms of the current bilateral
agreement between the Governments of the
United States and the People's Republic of
China.

The Committee for the Implementation of
Textile Agreements has determined that this
action falls within the foreign affairs
exception to the rulemaking provisions of 5
U.S.C. 553(a)(1).

Sincerely,

Auggie D. Tantillo,

Chairman, Committee for the Implementation
of Textile Agreements.

[FR Doc. 92-15588 Filed 7-1-92; 8:45 am]

BILLING CODE 3510-DR-F

Adjustment of Import Limits for Certain Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textiles and Textile Products Produced or Manufactured in the People's Republic of China

June 26, 1992.

AGENCY: Committee for the
Implementation of Textile Agreements
(CITA).

ACTION: Issuing a directive to the
Commissioner of Customs adjusting
limits.

EFFECTIVE DATE: June 26, 1992.

FOR FURTHER INFORMATION CONTACT:

Janet Heinzen, International Trade
Specialist, Office of Textiles and
Apparel, U.S. Department of Commerce,
(202) 377-4212. For information on the
quota status of these limits, refer to the
Quota Status Reports posted on the
bulletin boards of each Customs port or

¹ The limit has not been adjusted to account for
any imports exported after December 31, 1991.

call (202) 566-6828. For information on
embargoes and quota re-openings, call
(202) 377-3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March
3, 1972, as amended; section 204 of the
Agricultural Act of 1956, as amended (7
U.S.C. 1854).

The current limits for certain
categories are being adjusted, variously,
for carryover and swing.

A description of the textile and
apparel categories in terms of HTS
numbers is available in the
CORRELATION: Textile and Apparel
Categories with the Harmonized Tariff
Schedule of the United States (see
Federal Register notice 56 FR 60101,
published on November 27, 1991). Also
see 55 FR 60976, published on November
29, 1991.

The letter to the Commissioner of
Customs and the actions taken pursuant
to it are not designed to implement all of
the provisions of the bilateral
agreement, but are designed to assist
only in the implementation of certain of
its provisions.

Auggie D. Tantillo,

Chairman, Committee for the Implementation
of Textile Agreements.

Committee for the Implementation of Textile
Agreements

June 26, 1992.

Commissioner of Customs,

Department of the Treasury, Washington, DC
20229.

Dear Commissioner: This directive amends,
but does not cancel, the directive issued to
you on November 22, 1991, by the Chairman,
Committee for the Implementation of Textile
Agreements. That directive concerns imports
of certain cotton, wool, man-made fiber, silk
blend and other vegetable fiber textiles and
textile products, produced or manufactured in
the People's Republic of China and exported
during the twelve-month period which began
on January 1, 1992 and extends through
December 31, 1992.

Effective on June 26, 1992, you are directed
to amend further the directive dated
November 22, 1991, to adjust the limits for the
following categories, as provided under the
terms of the current bilateral agreement
between the Governments of the United
States and the People's Republic of China:

Category	Adjusted twelve-month limit ¹
Levels not in group	
219.....	1,539,801 square meters.
300/301.....	3,574,863 kilograms.
333.....	83,068 dozen.
341.....	656,673 dozen of which not more than 375,243 dozen shall be in Category 341-Y ² .
342.....	249,948 dozen.

Category	Adjusted twelve-month limit ¹
345.....	124,019 dozen.
359-V ²	775,892 kilograms.
360.....	6,698,633 numbers of which not more than 4,479,525 numbers shall be in Category 360-P ⁴ .
369-D ⁵	4,306,902 kilograms.
369-H ⁶	4,374,884 kilograms.
410.....	1,939,141 square meters of which not more than 1,554,431 square meters shall be in Category 410-A ⁷ and not more than 1,554,431 square meters shall be in Category 410-B ⁸ .
433.....	22,820 dozen.
434.....	13,002 dozen.
436.....	14,859 dozen.
440.....	37,150 dozen of which not more than 21,228 dozen shall be in Category 440-M ⁹ .
442.....	41,396 dozen.
445/446.....	286,582 dozen.
448.....	21,726 dozen.
607.....	2,780,306 kilograms.
615.....	21,914,861 square meters.
645/646.....	812,892 dozen.
659-C ¹⁰	371,818 kilograms.
669-P ¹¹	1,730,958 kilograms.
833.....	24,228 dozen.
835.....	117,143 dozen.
842.....	242,289 dozen.
845.....	2,347,422 dozen.
863-S ¹²	8,127,108 numbers.
Group II	
330, 332, 349, 353, 354, 359-O ¹³ , 431, 432, 439, 459, 630, 632, 633, 643, 644, 653, 654 and 659-O ¹⁴ , as a group.	120,992,573 square meters equivalent.
Group III	
201, 220, 222-225, 227, 229, 362, 369-O ¹⁵ , 400, 414, 464-469, 600, 603, 604-O ¹⁶ , 606, 618-622, 624-629, 665, 666, 669-O ¹⁷ and 670-O ¹⁸ , as a group.	327,304,503 square meters equivalent.
Group IV	
832, 834, 836, 838, 839, 843, 844, 850-852, 858 and 859, as a group.	25,840,881 square meters equivalent.
Sublevel in Group IV	
836.....	241,822 dozen.

¹ The limits have not been adjusted to account for any imports exported after December 31, 1991.

² Category 341-Y: only HTS numbers 6204.22.3060, 6206.30.3010 and 6206.30.3030.

³ Category 359-V: only HTS numbers 6103.19.2030, 6103.19.4030, 6104.12.0040, 6104.19.2040, 6110.20.1022, 6110.20.1024, 6110.20.2030, 6110.20.2035, 6110.90.0044, 6110.90.0046, 6201.92.2010, 6202.92.2020, 6203.19.1030, 6203.19.4030, 6204.12.0040, 6204.19.3040, 6211.32.0070 and 6211.42.0070.

⁴ Category 360-P: only HTS numbers 6302.21.1010, 6302.21.1020, 6302.21.2010, 6302.21.2020, 6302.31.1010, 6302.31.1020, 6302.31.2010 and 6302.31.2020.

⁵ Category 369-D: only HTS numbers 6302.60.0010, 6302.91.0005 and 6302.91.0045.

⁶ Category 369-H: only HTS numbers 4202.22.4020, 4202.22.4500 and 4202.22.8030.

⁷ Category 410-A: only HTS numbers 5111.11.3000, 5111.11.7030, 5111.11.7060,

5111.19.2000, 5111.19.6060, 5111.30.9000, 5212.11.1010, 5212.14.1010, 5212.22.1010, 5212.25.1010, 5407.92.0510, 5408.31.0510, 5408.34.0510, 5515.92.0510, 5516.33.0510, 5111.19.6020, 5111.19.6080, 5111.90.3000, 5212.12.1010, 5212.15.1010, 5212.23.1010, 5311.00.2000, 5407.93.0510, 5408.32.0510, 5515.13.0510, 5516.31.0510, 5111.19.6040, 5111.20.9000, 5111.90.9000, 5212.13.1010, 5212.21.1010, 5212.24.1010, 5407.91.0510, 5407.94.0510, 5408.33.0510, 5515.22.0510, 5516.32.0510, 5112.11.2030, 5112.19.9020, 5112.19.9050, 5112.30.3000, 5112.90.9090, 5212.13.1020, 5212.21.1020, 5212.24.1020, 5309.29.2000, 5407.93.0520, 5408.32.0520, 5515.13.0520, 5516.31.0520, 5112.11.2030, 5112.19.9010, 5112.19.9040, 5112.30.3000, 5112.90.9010, 5212.12.1020, 5212.15.1020, 5212.23.1020, 5309.21.2000, 5407.92.0520, 5408.31.0520, 5408.34.0520, 5515.92.0520, 5516.33.0520 and 5516.34.0520.

⁸ Category 410-B: only HTS numbers 5007.10.6030, 5112.11.2060, 5112.19.9030, 5112.19.9060, 5112.90.3000, 5112.90.9010, 5212.11.1020, 5212.12.1020, 5212.15.1020, 5212.23.1020, 5309.21.2000, 5407.91.0520, 5407.94.0520, 5408.31.0520, 5408.34.0520, 5515.92.0520, 5516.33.0520 and 5516.34.0520.

⁹ Category 440-M: only HTS numbers 6203.21.0030, 6205.10.2010, 6205.30.1520, 6211.31.0030, 6203.23.0030, 6205.10.2020, 6205.30.1510, 6205.90.2020, 6205.90.4020 and 6205.10.1000.

¹⁰ Category 659-C: only HTS numbers 6103.23.0055, 6103.49.2000, 6104.63.1030, 6114.30.3044, 6203.43.2090, 6204.63.1510, 6211.33.0010, 6211.33.0017 and 6211.43.0010.

¹¹ Category 669-P: only HTS numbers 6305.31.0010, 6305.31.0020 and 6305.39.0000.

¹² Category 863-S: only HTS number 6307.10.2015.

¹³ Category 359-O: all HTS numbers except 6103.42.2025, 6104.69.3010, 6203.42.2010, 6211.32.0010, 6211.32.0025, 6211.42.0010 (Category 359-C); 6103.19.2030, 6104.12.0040, 6110.20.1024, 6110.90.0044, 6202.92.2020, 6204.19.3040, 6211.32.0070 and 6211.42.0070 (Category 359-V).

¹⁴ Category 659-O: all HTS numbers except 6103.23.0055, 6103.49.2000, 6104.63.1030, 6114.30.3044, 6203.43.2090, 6204.63.1510, 6211.33.0010, 6211.33.0017, 6211.43.0010 (Category 659-C); 6504.00.9060, 6505.90.7090, 6112.31.0010, 6112.41.0020, 6211.11.1010, 6211.11.1020, 6211.12.1010 and 6211.12.1020 (Category 659-S).

¹⁵ Category 369-O: all HTS numbers except 6302.60.0010, 6302.91.0005, 6302.91.0045 (Category 369-D); 4202.22.4020, 4202.22.8030 (Category 369-H); 4202.12.8020, 4202.12.8060, 4202.92.3015, 4202.92.6000 (Category 369-L); and 6307.10.2005 (Category 369-S).

¹⁶ Category 604-O: all HTS numbers except 5509.32.0000 (Category 604-A).

¹⁷ Category 669-O: all HTS numbers except 6305.31.0010, 6305.31.0020 and 6305.39.0000 (Category 669-P).

¹⁸ Category 670-O: only HTS numbers 4202.22.4030, 4202.22.8050 and 4202.32.9550.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Auggie D. Tantilio,
Chairman, Committee for the Implementation
of Textile Agreements.

[FR Doc. 92-15589 Filed 7-1-92; 8:45 am]

BILLING CODE 3510-DR-F

CONSUMER PRODUCT SAFETY COMMISSION

[CPSC Docket No. 92-C0003]

Sara's Prints, Inc., a Corporation; Provisional Acceptance of a Consent Order Agreement

AGENCY: Consumer Product Safety
Commission.

ACTION: Provisional Acceptance of a
Consent Order Agreement under the
Flammable Fabrics Act.

SUMMARY: It is the policy of the Commission to publish settlements which it provisionally accepts under the Flammable Fabrics Act in the Federal Register in accordance with the terms of 16 CFR 1605.13. Published below is a provisionally-accepted Consent Order Agreement with Sara's Prints, Inc., a corporation.

DATES: Any interested person may ask the Commission not to accept this agreement or otherwise comment on its contents by filing a written request with the Office of the Secretary by July 17, 1992.

ADDRESSES: Persons wishing to comment on this Settlement Agreement should send written comments to the Comment 92-C0003, Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207.

FOR FURTHER INFORMATION CONTACT: Eric L. Stone, Trial Attorney, Office of Compliance and Enforcement, Consumer Product Safety Commission, Washington, DC 20207; telephone (301) 504-0626.

Dated: June 26, 1992.

Sheldon D. Butts,
Deputy Secretary.

Consent Order Agreement

Sara's Prints, Inc., a corporation ("Respondent") enters into this Consent Order Agreement ("Agreement") with the staff of the Consumer Product Safety Commission (the "staff") pursuant to the procedure for Consent Order Agreements contained in § 1605.13 of the Commission's Procedures for Investigations, Inspections, and Inquiries under the Flammable Fabrics Act (FFA), 16 CFR part 1605.

This Agreement and Order are for the sole purpose of settling allegations of

the staff that Respondent sold children's sleepwear that is subject to, but failed to comply with, the Flammable Fabrics Act and the Standard for the Flammability of Children's Sleepwear: Sizes 0 Through 6X, 16 CFR part 1615 the Flammable Fabrics Act and the Standard for the Flammability of Children's Sleepwear: Sizes 7 Through 14, 16 CFR part 1616 (the "Sleepwear Standards") issued thereunder, as more fully set forth in the Complaint accompanying this Agreement.

Respondent and the Staff Agree:

1. The Consumer Product Safety Commission has jurisdiction in this matter under the following acts: Consumer Product Safety Act (15 U.S.C. 2051 *et seq.*), Flammable Fabrics Act (15 U.S.C. 1191 *et seq.*), and Federal Trade Commission Act (15 U.S.C. 41 *et seq.*).

2. Respondent Sara's Prints, Inc. ("Sara's Prints") is a corporation organized and existing under the laws of the State of California, with its principal place of business located at 3018-A Alvarado Street, San Leandro, California.

3. Respondent is engaged in the manufacture, importation and sale of children's wearing apparel.

4. Respondent is now and has been engaged in one or more of the following: The manufacture for sale, the sale, or the offering for sale, in commerce, or the importation, delivery for introduction, transportation in commerce, or the sale or delivery after sale or shipment in commerce, of a product, fabric, or related material which is subject to the requirements of the Flammable Fabrics Act, 15 U.S.C. 1191 *et seq.*, and the Sleepwear Standards.

5. This Agreement is for settlement purposes only, does not constitute an admission by Respondent that it has violated the law, and becomes effective only upon its final acceptance by the Commission and its service upon the Respondent in accordance with the procedures set forth in 16 CFR 1605.13.

6. Respondent waives any rights to an administrative or judicial hearing and any rights to seek judicial review of or otherwise challenge or contest the validity of the Commission's Order in this matter.

7. Violation of the provisions of the Order may subject Respondent to a civil penalty for each violation as prescribed by law, including penalties under the Federal Trade Commission Act, Section 5(l) of the FTCA, 15 U.S.C. 45(l).

8. Respondent agrees that the Commission may disclose the terms of this Consent Order Agreement to the public.

9. This Agreement may be used in interpreting the Order. No agreement,

understanding, representation or interpretation not contained in this Agreement or Order may be used to vary or contradict the terms of the Order.

Upon final acceptance of this Agreement, the Commission shall issue the following Order:

Order

I

It is hereby ordered that Respondent, its successors and assigns, agents, representatives, and employees of the Respondent, directly or through any corporation, subsidiary, division, or other business entity, or through any agency, device or instrumentality, do forthwith cease and desist from selling or offering for sale, in commerce, or manufacturing for sale, in commerce, or importing into the United States or introducing, delivering for introduction, transporting or causing to be transported, in commerce, or selling or delivering after sale or shipment in commerce, any product, identical or substantially similar to the following garments that do not meet the flammability requirements of the Standard for the Flammability of Children's Sleepwear: Sizes 0 through 6X, 16 CFR part 1615; or the Standard for the Flammability of Children's Sleepwear: Sizes 7 through 14, 16 CFR part 1616, except to the extent that Respondent imports garments for the sole purpose of repackaging and exporting these garments in compliance with section 15 of the FFA, 15 U.S.C. 1202 and 16 CFR part 1019.

a. A two-piece non-footed garment made with 100% cotton rib knit, covered elastic waist on the bottoms and rib trim at the neck, wrists, and ankles designate as the Style 1000 garment. A photograph of the garment that is the basis for and the subject of this prohibition is appended hereto as "Attachment A" and incorporated herein by reference.

b. A one piece non-footed 100% cotton garment with long raglan sleeves, a short front snap opening, a back elastic waist and a snap crotch designated as the Style 510L garment. A photograph of the garment that is the basis for and the subject of this prohibition is appended hereto as "Attachment B" and incorporated herein by reference.

c. A one piece non-footed 100% cotton garment with short raglan sleeves, a short front snap opening, a back elastic waist and a snap crotch designated as the Style 550L garment. A photograph of the garment that is the basis for and the subject of this prohibition is appended hereto as "Attachment C" and incorporated herein by reference.

II

It is further ordered that Respondent may sell any Style 1000, 550L, or 510L garments that were in its inventory or ordered prior to August 14, 1991, provided that:

(1) Respondent shall place a label, approved by the Commission staff, on the package for each garment. Such label shall state that the garment does not comply with the Sleepwear Standards and should not be used for sleeping or activities related to sleeping because of their flammability;

(2) Respondent shall inform retailers these garments are not to be promoted for sale as sleepwear;

(3) Respondent shall terminate sales to any retailers that it learns are promoting these garments as sleepwear;

(4) Respondent shall report to the Commission staff in a format acceptable to the Commission staff on a quarterly basis the number of style 1000 garments sold; and

(5) Respondent shall terminate sales of these garments by December 31, 1992 and shall dispose of any remaining inventory in a manner acceptable to the Commission staff.

III

It is further ordered that Respondent shall permit the Commission staff to conduct inspections; to obtain books, records, papers, and other documents; and to select samples of sleepwear or related articles of clothing in inventory at Respondents' place(s) of business for the purpose of determining compliance with this Order.

IV

It is further ordered that Respondent shall within sixty (60) days after service upon them of this Order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this Order.

V

It is further ordered that for a period of five (5) years from the date this Order becomes final within the meaning of the Federal Trade Commission Act, Respondent shall notify the Commission at least thirty (30) days prior to any proposed change in the way Respondent does business which may materially affect its compliance obligations arising out of this Order.

VI

In the event that the Commission modifies or amends the Standard for the Flammability of Children's Sleepwear: (Sizes 0 Through 6X), 16 CFR part 1615 the Flammable Fabrics Act and the

Standard for the Flammability of Children's Sleepwear: (Sizes 7 Through 14), 16 CFR part 1616 (the "Sleepwear Standards"), changes its guidance to the industry in a manner that would exempt the garments described in paragraph II above from complying with these Standards or would otherwise allow them to comply with these Standards, or changes its enforcement policies with respect to the kinds of garments that are the subject of this Order, Respondent may apply to the Commission for relief from the obligations imposed by this Consent Agreement and Order. The Commission shall grant such relief if it determines that Respondents have shown that such changes have taken place and that in the interests of fairness to Respondents, relief from the terms of this Order is necessary.

Signed this 27 day of June, 1992.

By: Mike Steber,

Sara's Prints, Inc., 3018-A Alvarado St., San Leandro, CA 94577.

By: Eric L. Stone,

Division of Administrative Litigation.

Alan H. Schoem,

Director, Division of Administrative Litigation

David Schmeltzer,

Assistant Executive Director Office of Compliance and Enforcement Consumer Product Safety Commission Washington, DC 20207.

By direction of the Commission, this Consent Order Agreement is provisionally accepted pursuant to 16 CFR § 1605.13, and shall be placed on the public record, and the Secretary is directed to publish the provisional acceptance of the Consent Order Agreement in the Commission's Public Calendar and in the **Federal Register**.

So ordered by the Commission, this 23rd day of June, 1992.

Sadye E. Dunn,

Secretary Consumer Product Safety Commission.

Complaint

The staff of the Consumer Product Safety Commission contends that Sara's Prints, Inc., a corporation, and Mike Steber, an officer of that corporation (hereinafter "Respondents") are subject to the provisions of the Consumer Product Safety Act, as amended, 15 U.S.C. 2051 *et seq.* (the "CPSA"); the Flammable Fabrics Act, as amended, 15 U.S.C. 1191 *et seq.* (the "FFA"); the Federal Trade Commission Act, as amended, 15 U.S.C. 41 *et seq.* (the "FTCA"); the Standard for the Flammability of Children's Sleepwear: Sizes 0 Through 6X, 16 CFR part 1615, and the Standard for the Flammability of Children's Sleepwear: Sizes 7

Through 14, 16 CFR part 1616 (the "Sleepwear Standards"). The staff further contends that the Respondents have violated the Sleepwear Standards.

It appears to the Commission from the information available to its staff that it is in the public interest to issue this Complaint. Therefore, by virtue of the authority vested in the Commission by section 30(b) of the CPSA, 15 U.S.C. 2079(b), Sections 3 and 5 of the FFA, 15 U.S.C. 1192 and 1194, and Section 5 of the FTCA, 15 U.S.C. 45, and in accordance with the Commission's Rules of Practice for Adjudicative Proceedings, 16 CFR part 1025, the Commission hereby issues this Complaint and states the staff's charges as follows:

1. Respondent Sara's Prints, Inc. ("Sara's Prints") is a corporation organized and existing under the laws of the State of California with its principal place of business located at 3018-A Alvarado Street, San Leandro, California.

2. Respondent Mike Steber is the President and Chief Executive Officer of Sara's Prints, Inc. and as such, formulates, directs, and controls the acts, practices, and policies of Respondent corporation.

3. Respondents are now and have been engaged in the manufacture for sale, the sale, or the offering for sale, in commerce, and the importation, delivery for introduction, transportation in commerce, or the sale or delivery after sale or shipment in commerce, of products that are subject to the requirements of the Flammable Fabrics Act, 15 U.S.C. 1191 *et seq.*, and the Sleepwear Standards.

Count One—Style 1000

4. Respondents have imported, offered for sale and sold a garment set known as the style 1000. The style 1000 is a two-piece garment set made with the 100% cotton rib knit fabric. The bottoms are non-footed, have covered elastic waists, and rib trim at the ankles. The tops use rib trim at the neck and wrists. Respondents have imported and sold these garments in a variety of print patterns, solids, and stripes in sizes 6 months to 14. A photograph of one of these garments is appended hereto as "Attachment A" and incorporated herein by reference.

5. Because of their design, fabric, print patterns, sizes and other factors, the style 1000 garments are objects of wearing apparel intended to be worn primarily for sleeping or activities related to sleeping. 16 CFR 1615.1(a) and 1616.2(a). These garments are suitable for sleeping and related activities and are likely to be used by children

primarily for sleeping or activities related to sleeping in a substantial number of cases.

6. For these reasons, the style 1000 garments are items of children's sleepwear subject to regulation under the Sleepwear Standards.

7. Respondents have manufactured for sale, sold, or offered for sale, in commerce, and have introduced, delivered for introduction, transported and caused to be transported in commerce, and have sold or delivered after sale or shipment in commerce the style 1000 garments without complying with the testing, labeling and recordkeeping requirements of the Sleepwear Standards. Therefore, Respondents have engaged in practices that constitute unfair methods of competition and unfair and deceptive practices in commerce for which a cease and desist order may be issued against Respondents pursuant to section 3 of the FFA, 15 U.S.C. 1192 and section 5 of the FTCA, 15 U.S.C. 45.

Count Two—Style 510L

8. Respondents have imported, offered for sale and sold a garment known as the style 510L. The style 510L is a one piece non-footed 100% cotton garment with long raglan sleeves, a short front snap opening, a back elastic waist and a snap crotch. The garment was imported and sold in a variety of print patterns and stripes in sizes 6–24 months. A photograph of the style 510L garment is appended hereto as "Attachment B" and incorporated herein by reference.

9. Because of their design, fabric, print patterns, sizes and other factors, the style 510L garments are objects of wearing apparel intended to be worn primarily for sleeping or activities related to sleeping. 16 CFR 1615.1(a) and 1616.2(a). These garments are suitable for sleeping and related activities and are likely to be used by children primarily for sleeping or activities related to sleeping in a substantial number of cases.

10. For these reasons, the style 510L garments are items of children's sleepwear subject to regulation under the Sleepwear Standards.

11. Respondents have manufactured for sale, sold, or offered for sale, in commerce, and have introduced, delivered for introduction, transported and caused to be transported in commerce, and have sold or delivered after sale or shipment in commerce the style 510L garments without complying with the testing, labeling and recordkeeping requirements of the Sleepwear Standards. Therefore, Respondents have engaged in practices

that constitute unfair methods of competition and unfair and deceptive practices in commerce for which a cease and desist order may be issued against Respondents pursuant to section 3, of the FFA, 15 U.S.C. 1192 and section 5 of the FTCA, 15 U.S.C. 45.

Count Three—Style 550L

12. Respondents have imported, offered for sale and sold a garment known as the style 550L. The style 550L is a one piece non-footed 100% cotton garment with short raglan sleeves, a short front snap opening, a back elastic waist and a snap crotch. The garment was imported and sold in a variety of print patterns and stripes in sizes 6-24 months. A photograph of this garment is appended hereto as "Attachment C" and incorporated herein by reference.

13. Because of their design, fabric, print patterns, sizes and other factors, the style 550L garments are objects of wearing apparel intended to be worn primarily for sleeping or activities related to sleeping. 16 CFR 1615.1(a) and 1616.2(a). These garments are suitable for sleeping and related activities and are likely to be used by children primarily for sleeping or activities related to sleeping in a substantial number of cases.

14. For these reasons, the style 550L garments are items of childrens sleepwear subject to regulation under the Sleepwear Standards.

15. Respondents have manufactured for sale, sold, or offered for sale, in commerce, and have introduced, delivered for introduction, transported and caused to be transported in commerce, and have sold or delivered after sale or shipment in commerce the style 550L garments without complying with the testing, labeling and recordkeeping requirements of the Sleepwear Standards. Therefore, Respondents have engaged in practices that constitute unfair methods of competition and unfair and deceptive practices in commerce for which a cease and desist order may be issued against Respondents pursuant to section 3 of the FFA, 15 U.S.C. 1192 and section 5 of the FTCA, 15 U.S.C. 45.

16. The Commission staff has tested the Style 1000, 510L and 550L garments and determined that they do not meet the flammability requirements of the Sleepwear Standards.

Relief Sought

Wherefore, the staff requests that the Commission issue an order requiring Respondents to cease and desist from the importation and sale of the style 1000, 510L and 550L garments and to cease and desist from future violations

of the Sleepwear Standards, and to order such further relief as may be reasonably necessary to insure Respondents' compliance with the Sleepwear Standards.

Wherefore, the premises considered, the Commission hereby issues this Complaint on the 23rd day of June, 1992.

Dated: June 23, 1992.

By direction of the Commission:

David Schmeltzer,

Assistant Executive Director, Office of Compliance and Enforcement.

[FR Doc. 92-15619 Filed 7-1-92; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Establishment of the National Security Education Board

ACTION: Notice.

SUMMARY: Under the provisions of Public Law 92-463, the "Federal Advisory Committee Act," notice is hereby given that the National Security Education Board has been established, pursuant to Public Law 102-183, the "National Security Education Act of 1991."

The National Security Education Board will provide advice and recommendations to the Secretary of Defense and Assistant Secretary of Defense for Command, Control, Communications, and Intelligence on policies and programs pertaining to national security educational pursuits, such as, foreign languages, area studies, and international fields. The Education Board will: develop criteria under the National Security Education Act for awarding scholarships, fellowships, and grants to U.S. citizens and institutions; provide for wide dissemination of information regarding the activities assisted under that Act; and, establish qualifications for persons desiring scholarships or fellowships, and for institutions of higher education desiring grants.

The Membership of the Education Board will be diverse and well-balanced in terms of the functions to be performed and the interest groups represented. Federal members are specifically designated in section 803 of the National Security Education Act. Four individuals will be appointed by the President, with the advice and consent of the Senate, who will be experts in the fields of international, language, and area studies education.

For additional information regarding the Education Board, please contact Ed Collier at: 703-693-7717.

Dated: June 26, 1992.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 92-15519 Filed 7-1-92; 8:45 am]

BILLING CODE 3810-01-M

Establishment of the Defense Advisory Committee on Service Academy Athletic Programs

ACTION: Notice.

SUMMARY: Under the provisions of Public Law 92-463, the "Federal Advisory Committee Act," notice is hereby given that the Defense Advisory Committee on Service Academy Athletic Programs (DACSAAP) has been established, pursuant to Public Law 102-190, the "National Defense Authorization Act for Fiscal Years 1992 and 1993."

The DACSAAP will provide advice and assistance to the Secretary of Defense and Assistant Secretary of Defense for Force Management and Personnel on matters pertaining to the administration of athletic programs at the three Military Service academies. The Committee shall review all aspects of the athletic programs of the United States Military Academy, the United States Naval Academy, and the United States Air Force Academy on an annual basis; including, the policies related to the administering of these programs, the appropriate balance between the emphasis placed on such athletic programs and academic pursuits, and the extent to which athletes in all sports are treated equitably under the academies' programs.

The members of the DACSAAP will be diverse and well-balanced in terms of the functions to be performed and the interest groups represented. It will be composed of distinguished administrators from institutions of higher learning, members of Congress, members of the boards of visitors from the three academies, and other experts in collegiate athletic programs.

For additional information regarding the DACSAAP, please contact Captain Mark Zamberlan, telephone: 703-697-8444.

June 26, 1992.

L. M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 92-15518 Filed 7-1-92; 8:45 am]

BILLING CODE 3810-01-M

Defense Policy Board Task Force on The Future of American Nuclear Forces

ACTION: Notice of Task Force Meeting.

SUMMARY: The Defense Policy Board Task Force on The Future of American Nuclear Forces will meet in closed session on 20 July 1992 from 0800 to 1700 at the RDA Logicon Facility located at Sequoia Plaza, 2100 Washington Boulevard, Arlington, VA. The mission of the Task Force is to provide the Secretary of Defense, Deputy Secretary of Defense and the Under Secretary of Defense for Policy with independent, informed advice and opinion concerning matters related to U.S. nuclear force policy. At the meeting the Task Force will hold classified discussions on national security matters.

In accordance with section 10(d) of the Federal Advisory Committee Act, Public Law No. 92-463, as amended [5 U.S.C. App. II, (1982)], it has been determined that this Task Force meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1982), and that accordingly this meeting will be closed to the public.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 92-15515 Filed 7-1-92; 8:45 am]

BILLING CODE 3810-01-M

Women in Services Advisory Committee, Meeting

AGENCY: Defense Advisory Committee on Women in the Services (DACOWITS), Defense.

ACTION: Notice of meeting.

SUMMARY: Pursuant to Public Law 92-463, notice is hereby given of a forthcoming meeting of the Executive Committee of the Defense Advisory Committee on Women in the Services (DACOWITS). The purpose of the meeting is to review unresolved resolutions made by the Committee at the DACOWITS 1992 Spring Conference; review the Subcommittee Issue Agenda; review the proposed agenda for the DACOWITS 1992 Fall Conference; and discuss issues relevant to women in the Services. All meeting sessions will be open to the public.

DATES: September 14, 1992, 8:30 a.m.-4 p.m.

ADDRESSES: SECDEF Conference Room 3E869, The Pentagon, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Captain Branda M. Weidner, Office of the DACOWITS and Military Women Matters, OASD (Force Management and Personnel), The Pentagon, room 3D769,

Washington, DC 20301-4000; telephone (703) 697-2122.

Dated: June 26, 1992.

L. M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 92-15520 Filed 7-1-92; 8:45 am]

BILLING CODE 3810-01-M

Department of the Army

Environmental Impact Statement (EIS) for Military Joint Training Exercise ROVING SANDS in Texas and New Mexico; Intent

AGENCY: Headquarters, Department of the Army, DOD.

SUMMARY: The Army will prepare a programmatic EIS for proposed Joint Training Exercise ROVING SANDS at Fort Bliss, Texas and New Mexico and White Sands Missile Range, New Mexico. The exercise is to be conducted in Spring 1993 and each spring thereafter for at least the next five years. Where the possibility exists for cumulative impacts from repetitive activities, the National Environmental Policy Act recommends preparation of an EIS to address the entire program.

ROVING SANDS is an annual joint surface-to-air and air-to-air field training exercise sponsored by Forces Command and executed by the 11th Air Defense Artillery Brigade. The exercises would involve the following areas: Fort Bliss, Texas and New Mexico; Biggs Army Air Field, Texas; White Sands Missile Range and Holloman Air Force Base, New Mexico.

Force employment and field training will be approximately two weeks, though some units could start deploying into the exercise area two weeks prior to the exercise start date. Troops on the ground could remain up to one week afterwards. Participants include personnel from the Army, Air Force, Navy, and Marine Corps. Equipment includes fixed and rotary winged aircraft and wheeled vehicles. Most of the ground activity will occur on the Fort Bliss training area. Sites which are environmentally sensitive will be avoided.

Alternatives: (a). No Action. (b). Alternate locations.

Scoping: Scoping meetings will be held to identify alternatives and significant issues related to the conduct of Joint Readiness Exercises at Fort Bliss and White Sands Missile Range. Public notices and news releases will announce the scoping meetings. Persons with questions or comments may telephone Mr. Aver Ferguson, Jr. at (817) 334-3246. Callers should indicate their

interest in military exercise ROVING SANDS. Comments, suggestions, and requests to be placed on the mailing list may be forwarded to: U.S. Army Corps of Engineers, Fort Worth District, Attn: CESWF-PL-RE, P.O. Box 17300, Fort Worth, Texas 76102-0300.

Lewis D. Walker,

Deputy Assistant Secretary of the Army (Environment, Safety and Occupational Health), OASA (I, L&E).

[FR Doc. 92-15490 Filed 7-1-92; 8:45 am]

BILLING CODE 3710-03-M

Corps of Engineers, Department of the Army

Intent To Prepare a Supplemental Environmental Impact Statement (SEIS) for the Proposed Wyoming Valley Levee Raising Project in Luzerne County, PA

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Notice of intent.

SUMMARY: The Baltimore District, U.S. Army Corps of Engineers is preparing a Phase II General Design memorandum (GDM). The Phase II GDM will evaluate an increased level of protection for the existing flood control system along the Susquehanna River in the Wyoming Valley of Luzerne County in the vicinity of Wilkes-Barre, Pennsylvania. Additionally, the GDM will evaluate the impact of small and infrequent increased flooding due to the proposed project in areas upstream and downstream in Luzerne, Columbia, Montour, and Northumberland Counties. A SEIS will be prepared as part of the Phase II GDM to document changes in the project actions, existing conditions and project effects, which were described in the Final EIS (FEIS) prepared for the Phase I GDM in 1981. The project was authorized under section 401(a) of the 1986 Water Resources Development Act. Luzerne County, with support from the Commonwealth of Pennsylvania, is the non-Federal sponsor for the project.

FOR FURTHER INFORMATION CONTACT: Questions about the proposed action and SEIS can be addressed to Mr. Edward Palguta, Project Manager, Baltimore District, U.S. Army Corps of Engineers, ATTN: CENAB-PD-P, P.O. Box 1715, Baltimore, Maryland 21203-1715.

SUPPLEMENTARY INFORMATION: 1. The study area is located in northeastern Pennsylvania. The levees proposed to be raised are located in an area known as the Wyoming Valley in Luzerne County,

which extends along the Susquehanna River for approximately 15 miles from the Borough of Pittston southwest to Nanticoke City. The additional areas that may be impacted by the levee raising are located in communities along the Susquehanna and Lackawanna Rivers from Duryea to Sunbury. The Wyoming Valley is heavily developed, primarily by urban residential, commercial, and industrial facilities, along with abandoned and active mining operations. Existing natural areas in the Wyoming Valley include: the Susquehanna River and its corridor (including several river islands), riparian vegetation, parks, and agricultural lands.

2. The study area was plagued with reoccurring floods from the Susquehanna River for many years until a Federally authorized flood control system was constructed in the 1930's, 1940's, and 1950's. The existing flood control system is composed of four projects, which are located in the Boroughs of Kingston and Edwardsville; the Boroughs of Swoyersville and Forty Fort; the Borough of Plymouth; and the Township of Hanover and the City of Wilkes-Barre. There are a variety of flood control structures used in conjunction with the four projects. They include: Levees, floodwalls, closures, landward seepage berms, pumping stations, ponding areas, stone slope protection, and instream stabilization berms.

3. In June 1972, Tropical Storm Agnes, the largest flood of record, overtopped the existing flood control system by four to five feet. In December of 1972, the Baltimore District completed a document titled "Wyoming Valley Flood Control, Susquehanna River, Pennsylvania", which recommended that the existing flood protection system be modified to protect against an Agnes level flood. In 1981, a more detailed Phase I GDM and FEIS were completed which recommended that the existing flood protection system be raised to protect against an Agnes level flood. In 1986, the U.S. Congress authorized the project recommended in the 1981 Phase I GDM. As part of the project implementation, the Phase II GDM will contain reanalysis and refinement of the Phase I GDM recommendations.

4. The Phase II GDM will contain an investigation of two alternatives:

a. No Action Plan

This alternative involves no changes to the existing flood protection system.

b. 1981 Phase I GDM Plan

This alternative consists of the recommended levee raising plan generally as described in the 1981 Phase

I GDM/FEIS and authorized in 1986, which would raise the height of the four existing levee projects to protect against a recurrence of Tropical Storm Agnes. The plan would also include modifying closure structures, relocating utilities, providing some new floodwalls and levees to maintain the system's integrity, and removing two railroad bridges. The Congress also authorized (1) raising existing flood projects in Duryea, Brookside, Miners Mill, Danville, and Sunbury; (2) building new levees and floodwalls in Exeter, Wyoming, and West Pittston; (3) relocating or floodproofing structures and constructing a ring levee in Plainsville and Port Blanchard; and (4) removing a railroad bridge in Bloomsburg, all for the purpose of reducing the impacts of increased flooding from the levee raising. Subsequent detailed engineering and economic investigations have identified additional possible methods of addressing the impacts of increased flooding. The availability of utilizing these additional alternative methods, which include but are not limited to (1) no action, (2) structural and non-structural methods, and (3) other forms of economic resource protection, will also be investigated.

5. The Baltimore District is preparing a SEIS which will document changes from the 1981 FEIS, including differences in: the proposed actions; environmental, cultural, social and recreational baseline conditions; hazardous, toxic, and radioactive waste investigation findings; and project effects. The overall public interest will also be addressed. If applicable, the SEIS will also apply guidelines issued by the Environmental Protection Agency, under authority of section 404(b)(1) of the Clean Water Act of 1977 (Public Law 95-217).

6. A notice will be distributed to interested private individuals and organizations, as well as Federal, state, and local agencies, informing them of the Phase II GDM and our intent to prepare a SEIS, and requesting their comments. The Baltimore District invites potentially affected Federal, state, and local agencies and other interested organizations and parties to participate in this study. Agencies that will be involved in the study and SEIS process include, but are not limited to the following: U.S. Environmental Protection Agency; U.S. Fish and Wildlife Service; U.S. Geological Survey; U.S. Soil Conservation Service; U.S. National Park Service; Pennsylvania Department of Environmental Resources; Pennsylvania Historical and Museum Commission; Pennsylvania Fish Commission; Pennsylvania Game Commission; Luzerne County,

Pennsylvania; and the Susquehanna River Basin Commission. Additional study newsletters, notices and workshops may be included as part of the public involvement program, as needed.

7. The draft SEIS is tentatively scheduled to be available for public review in the fall of 1993.

Frank R. Finch,

Colonel, Corps of Engineers, District Engineer.

[FR Doc. 92-15491 Filed 7-1-92; 8:45 am]

BILLING CODE 3710-41-M

Department of the Navy

Intent to Grant Exclusive License

AGENCY: Department of the Navy, DOD

ACTION: Intent to Grant Exclusive Patent License; John J. Oprandy

SUMMARY: The Department of the Navy hereby gives notice of its intent to grant to John J. Oprandy a revocable, nonassignable, exclusive license to practice the Government-owned invention described in U.S. Patent Application Serial No. 07/846,100 filed March 5, 1992, for "Rapid Membrane Based Extraction Method For The Isolation and Purification of Nucleic Acids from Microorganisms In Biological Fluids".

Anyone wishing to object to the grant of this license has 60 days from the date of this notice to file written objections along with supporting evidence, if any. Written objections are to be filed with the Office of the Chief of Naval Research (Code OOCIP), Arlington, Virginia 22217-5000.

FOR FURTHER INFORMATION CONTACT: Mr. R. J. Erickson, Staff Patent Attorney, Office of the Chief of Naval Research (Code OOCIP), 800 North Quincy Street, Arlington, Virginia 22217-5000, Telephone (703) 696-4001.

Dated: June 24, 1992.

Wayne T. Baucino

Lieutenant, JAGC, U.S. Naval Reserve, Alternate Federal Register Liaison.

[FR Doc. 92-15593 Filed 7-1-92; 8:45 am]

BILLING CODE 3810-AE-F

DEPARTMENT OF EDUCATION

National Assessment Governing Board; Teleconference Meeting

AGENCY: National Assessment Governing Board; Education.

ACTION: Notice of Teleconference Meeting and Partially Closed Meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of forthcoming teleconference meetings of the Subject Area Committee #1 and the Executive Committee of the National Assessment Governing Board. This notice also describes the functions of the Board. Notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend.

DATES: July 6, 1992, and July 14, 1992.

TIME: July 6, 1992—Subject Area Committee #1—11 a.m. to 12 noon, (EDT). July 14, 1992—Executive Committee—11 a.m. to 12 noon (open); 12 p.m. to 12:30 p.m. (closed).

LOCATION: National Assessment Governing Board, 800 North Capitol Street, NW., Suite 825, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mary Ann Wilmer, Operations Officer, National Assessment Governing Board, 800 North Capitol Street, suite 825, Washington, DC., 20002-4233, Telephone: (202) 357-6938.

SUPPLEMENTARY INFORMATION: The National Assessment Governing Board is established under section 406(i) of the General Education Provisions Act (GEPA) as amended by section 3403 of the National Assessment of Educational Progress Improvement Act (NAEP Improvement Act), Title III-C of the Augustus F. Hawkins—Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 (P.L. 100-297), (20 USC 1221e-1).

The Board is established to advise the Commissioner of the National Center for Education Statistics on policies and actions needed to improve the form and use of the National Assessment of Educational Progress, and develop specifications for the design, methodology, analysis, and reporting of test results. The Board also is responsible for selecting subject areas to be assessed, identifying the objectives for each age and grade tested, and establishing standards and procedures for interstate and national comparisons. The Subject Area Committee #1 of the National Assessment Governing Board (the Board) will meet in an open session via telephone conference on July 6, 1992 (EDT). The proposed agenda includes review of the 1994 NAEP U.S. History Framework and Specifications, and the formulation of recommendations to the Executive Committee for final action.

On July 14, 1992, the Board's Executive Committee will conduct a partially closed teleconference meeting. During the open portion of the meeting from 11 a.m. to 12 noon (EDT), the

Committee will take final action on the 1994 U.S. History Framework and Specifications. From 12 p.m. to 12:30 p.m., the meeting will be closed to the public to permit the Committee to discuss appointment extensions for two NAGB staff persons. The discussion of appointment extensions for two staff members relates to the internal personnel rules and practices of an agency, and would disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy. Such matters are protected by exemptions (2) and (6) of section 552(b)(c) of title 5 U.S.C.

Facilities will be provided so the public will have access to the Committees' deliberations for both teleconference meetings. A summary of the activities at the closed session and related matters, which are informative to the public and consistent with the policy of 5 U.S.C. 552b, will be available to the public within fourteen days after the meeting.

Records are kept of all Board proceedings and are available for public inspection at the U.S. Department of Education, National Assessment Governing Board, 800 North Capitol Street, NW., Washington, DC., from 8:30 a.m. to 5 p.m.

Date: June 26, 1992.

Roy Truby,

Executive Director, National Assessment Governing Board.

[FR Doc. 92-15510 Filed 7-1-92; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Noncompetitive Financial Assistance Award

AGENCY: Bartlesville Project Office; U.S. Department of Energy.

ACTION: Notice of noncompetitive financial assistance award.

SUMMARY: The U.S. Department of Energy (DOE) announces that pursuant to 10 CFR 600.7(b)(2)(i) criteria (B) and (D) it intends to make a Noncompetitive Financial Assistance (Grant) Award to the Massachusetts Institute of Technology (MIT) for the conduct of a Reservoir Delineation Consortium to develop and advance reservoir delineation concepts and technology. This activity represents a unique idea and a method which would not be eligible for financial assistance under any existing or planned solicitation and, as determined by DOE, a competitive solicitation would be inappropriate. Issuance of this grant award and DOE support of the activity is expected to

enhance the benefits to be derived by allowing more thorough coverage of the aspects of reservoir delineation through the cooperative efforts of government and industry.

SUPPLEMENTARY INFORMATION:

Grant No.: DE-FG22-92BC14867.

Title: Reservoir Delineation Consortium.

Awardee: Massachusetts Institute of Technology.

Term: 60 months.

Cost: Total Proposed Cost to DOE, \$195,000—\$39K/Yr.

Scope: A Consortium Agreement has been executed by the Massachusetts Institute of Technology to conduct in-depth studies in theoretical and practical solutions to cross-well seismic data resolution and tomographic inversion. The Reservoir Delineation Consortium is devoted to detailed characterization of the subsurface using seismic waves by focusing on: (1) Theoretical studies of wave propagation in three-dimensional heterogeneous and anisotropic media; (2) tomographic imaging and inversion methods using transmitted and scattered waves; (3) field experiments using the Earth Research Laboratory's (ERL) multi-well test facility in Michigan; and (4) applications of parallel computing at ERL's Geophysical Center for Parallel Processing. The Consortium's efforts are expected to develop and advance reservoir delineation concepts.

FOR FURTHER INFORMATION CONTACT: U.S. Department of Energy, Pittsburgh Energy Technology Center, Attn: Ms. Donna J. Lebetz, Contract Administrator, Acquisition and Assistance Division, P.O. Box 10940, MS 921-118, Pittsburgh, PA 15236-0940.

Dated: June 19, 1992.

Richard D. Rogus,
Chief, Contracts Group, Acquisition and Assistance Div.

[FR Doc. 92-15605 Filed 7-1-92; 8:45 am]

BILLING CODE 6450-01-M

Award of a Noncompetitive Financial Assistance

AGENCY: Nevada Field Office, Department of Energy (DOE).

ACTION: Notice of noncompetitive financial assistance.

SUMMARY: The DOE Nevada Field Office announces that pursuant to subsection 600.7(b)(2) of the DOE Financial Assistance Rules (10 CFR 600.7(b)(2)), it intends to award a grant on a noncompetitive basis to the National Academy of Sciences (NAS) to support the conduct of work which is relevant to

the activities of the DOE Yucca Mountain Site Characterization Project Office. The work, which will be performed by the U.S. National Committee for Rock Mechanics (USNC/RM), includes a review of the characterization of fracture networks and fluid flow in rock fractures and the development of a report tentatively entitled "Annual Review of U.S. Progress in Rock Mechanics-Fracture Characterization and Fluid Flow."

SUPPLEMENTARY INFORMATION: Project Scope: The principal objective of the NAS study is to review, synthesize, and integrate recent research concerning techniques of and approaches to fracture characterization and fluid flow in rock fractures. The work, to be performed by the USNC/RM, a standing committee of the National Research Council, will be co-sponsored by several research groups and federal agencies. DOE intends to provide support as a co-sponsor because the NAS work will provide research and information pertinent to the conditions encountered at the Yucca Mountain, Nevada, candidate site for a high-level nuclear waste repository, and will receive wide dissemination in the affected scientific community. DOE intends to award a grant by July 15, 1992, to provide financial assistance to the NAS in the amount of \$15,000.

FOR FURTHER INFORMATION, CONTACT: U.S. Department of Energy, Yucca Mountain Site Characterization Project Office, Attn.: Birdie Hamilton-Ray, P.O. Box 98608, Las Vegas, NV 89193-8608.

Issued in Las Vegas, Nevada, on June 22, 1992.

Nick C. Aquilina,
Manager, NV.

[FR Doc. 92-15606 Filed 7-1-92; 8:45 am]

BILLING CODE 6450-01-M

Office of Fossil Energy

[FE Docket No. 92-50-NG]

ProGas U.S.A., Inc., Order Granting Blanket Authorization to Import and Export Natural Gas

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of an Order.

SUMMARY: The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order granting ProGas U.S.A., Inc. (ProGas U.S.A.), authorization to import up to 400 Bcf of Canadian natural gas, and export up to 200 Bcf of natural gas to Canada and up to 200 Bcf of natural gas to Mexico, beginning on the date of first delivery after June 30, 1992.

A copy of this order is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F-056, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-9478. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, June 25, 1992.

Charles F. Vacek,
Deputy Assistant Secretary for Fuels
Programs, Office of Fossil Energy.
[FR Doc. 92-15607 Filed 7-1-92; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project Nos. 2395-003 et al.]

Hydroelectric Applications (Flambeau Paper Corp., et al); Applications

Take notice that the following hydroelectric applications have been filed with the Commission and are available for public inspection:

a. *Type of Application:* Subsequent Minor License.

b. *Project No.:* 2395-003.

c. *Date filed:* December 31, 1991.

d. *Applicant:* Flambeau Paper Corporation.

e. *Name of Project:* Pixley.

f. *Location:* On the North Fork Flambeau River near Park Falls in Price County, Wisconsin.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. *Applicant Contact:* Mr. James M. McGinnity, 200 North First Avenue, Park Falls, WI 54552, (715) 762-3231.

i. *FERC Contact:* Ms. Julie Bernt, (202) 219-2814.

j. *Deadline Date:* August 10, 1992.

k. *Status of Environmental Analysis:*

This application is not ready for environmental analysis at this time—see attached paragraph E1.

l. *Description of Project:* The licensed project would consist of the following existing facilities: (1) A 25-foot-high earth dikes; (2) a 46-foot-long concrete gated spillway section; (3) a reservoir with a surface area of 193 acres at surface elevation 1,448.7 feet NGVD and a storage area of 1,757 acre-feet; (4) a powerhouse containing two generating units having a total installed capacity of 960 kW; and (5) appurtenant facilities. The applicant is proposing no changes to the project. The average annual net energy generation is 5,948,500 kWh.

m. *Purpose of Project:* Project power would be used by the applicant's paper mill operation.

n. *This notice also consists of the following standard paragraphs:* B1 and E1.

o. *Available Location of Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference and Files Maintenance Branch, located at 941 North Capitol Street, NE., room 3104, Washington, DC 20426, or by calling (202) 208-1371. A copy is also available for inspection and reproduction at Flambeau Paper Corporation, 200 North First Avenue, Park Falls, WI 54552, or by calling (715) 762-3231.

2. a. *Type of Application:* New License.

b. *Project No.:* 2402-003.

c. *Date Filed:* December 23, 1991.

d. *Applicant:* Upper Peninsula Power Company.

e. *Name of Project:* Prickett Hydro Project.

f. *Location:* On the Sturgeon River in Houghton and Baraga Counties, Michigan.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. *Applicant Contact:* Mr. Clarence R. Fisher, President, Upper Peninsula Power Company, P.O. Box 130, 600 Lakeshore Drive, Houghton, MI 49931, (906) 487-5000.

i. *FERC Contact:* Ed Lee (202) 219-2809.

j. *Comment Date:* August 14, 1992.

k. *Status of Environmental Analysis:*

This application is not ready for environmental analysis at this time—see attached standard paragraph E1.

l. *Description of Project:* The project as licensed consists of the following: (1) An existing earth embankment, approximately 500 feet long with a maximum height of 55 feet, containing a corewall composed of a concrete wall with steel sheet piling underneath; (2) an existing concrete retaining wall, about 200 feet long with a maximum height of 55 feet; (3) a concrete, four bay, multi-arch, buttress dam (109.5 feet long) containing (a) three gate controlled spillway sections, each equipped with a steel radial gate, 24 feet long by 13.5 feet high, and (b) a non-overflow section, 27 feet long; (4) an existing concrete gravity non-overflow section, 41 feet long; (5) an existing spillway apron, 40 feet long, consisting of a rock bottom and sides formed of concrete retaining walls, approximately 20 feet high; (6) an existing fuse plug emergency spillway consisting of a 20 foot long by 13 foot high earth embankment section; (7) an existing reservoir with a surface area of 773 acres and a total storage volume of 13,687 acre-feet at the normal maximum surface elevation of 768.8 feet MSL; (8)

an existing intake canal, 500 feet long, composed of an earth bottom, minimum width 50 feet, and excavated earth side slopes; (9) an existing concrete intake structure, a gravity section 35.5 feet wide by 47 feet long, consisting of (a) two entrance ways, each 14 feet wide with a gross area of approximately 204 square feet, and (b) two steel radial gates, each approximately 14 feet long by 14 feet high; (10) two existing earth embankments, on either side of the intake structure, a total length of approximately 125 feet, containing a corewall composed of steel sheet piling with a concrete cap; (11) two existing 8 foot diameter wood stave penstocks, each about 80 feet long with a cross sectional area of 50 square feet; (12) an existing brick and concrete powerhouse, 46 feet wide by 38 feet long by 30 feet high, containing (a) two vertical Francis turbines, rated at 1,600 hp each; and (b) two vertical generators, rated at 1,100 kW each, providing a total plant rating of 2,200 kW; and (13) existing appurtenant facilities. No changes are being proposed for this new license. The applicant estimates the average annual generation for this project would be 9.6 GWH. The dam and existing project facilities are owned by the applicant. The existing project would also be subject to Federal takeover under sections 14 and 15 of the Federal Power Act.

m. Purpose of Project: Project power would be utilized by the applicant for sale to its customers.

n. This notice also consists of the following standard paragraphs: B1 and E1.

o. Available Location of Application: A copy of the application, as amended and supplemented, is available for inspection and reproduction at the Commission's Public Reference and Files Maintenance Branch, located at 941 North Capitol Street, NE., room 3104, Washington, DC, 20426, or by calling (202) 208-1371. A copy is also available for inspection and reproduction at Upper Peninsula Power Company, P.O. Box 130, 600 Lakeshore Drive, Houghton, Michigan, or by calling (906) 487-5000.

3a. Type of Applications: New Major License.

b. Project Nos.: 2406-002 & 2465-003.

c. Date filed: December 20, 1991.

d. Applicant: Duke Power Company.

e. Names of Projects: Saluda & Hollidays Bridge.

f. Location: On the Saluda River in Anderson, Greenville, & Pickens County, South Carolina.

g. Filed Pursuant to: Federal Power Act 16 USC 791(a)-825(r).

h. Applicant Contact: Mr. John E. Lansche, Duke Power Company, 422

South Church Street, Charlotte, NC 28242-0001, (704) 382-8125.

i. FERC Contact: Mr. Surender M. Yepuri, P.E. (202) 219-2847.

j. Deadline Date: August 10, 1992.

k. Status of Environmental Analysis:

These applications are not ready for environmental analysis at this time—see attached paragraph E1.

l. Description of Projects: (A) Saluda Project: The project as proposed for licensing consists of: (1) A 55-foot-high, 460-foot-long concrete dam impounding a 556-acre reservoir; (2) a powerhouse containing four turbine generator units with a total rated capacity of 2.4 MW; and (3) other appurtenant structures. The average annual generation is 5.46 GWh.

(B) Hollidays Bridge Project: The project as proposed for licensing consists of: (1) A 35-foot-high, 644-foot-long concrete dam impounding a 466-acre reservoir; (2) a 950-foot-long intake canal; (3) a powerhouse containing four turbine generator units with a total rated capacity of 3.5 MW; (4) a 3.5-mile-long, 22-kV transmission line; and (5) other appurtenant structures. The average annual generation is 11.87 GWh.

m. Purpose of Projects: Power generated from the project is used primarily to help meet peak load demands of customers.

n. This notice also consists of the following standard paragraphs: B1 and E1.

o. Available Locations of Applications: A copy of the applications, as amended and supplemented, is available for inspection and reproduction at the Commission's Public Reference and Files Maintenance Branch, located at 941 North Capitol Street NE., room 3104, Washington, DC 20426, or by calling (202) 208-1371. A copy is also available for inspection and reproduction at the applicant's office (see item (h) above).

4 a. Type of Application: New License.

b. Projects Nos.: 2407-006 and 2408-007.

c. Date Filed: December 17, 1991.

d. Applicant: Alabama Power Company.

e. Name of Project: Yates and Thurlow Hydro Project.

f. Location: On the Tallapoosa River in Tallapoosa and Elmore Counties, Alabama.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Applicant Contact: Mr. John E. Dorsett, Vice President, Alabama Power Company, P.O. Box 2641, Birmingham, AL 35291, (205) 250-1000.

i. FERC Contact: Ed Lee (202) 219-2809.

j. Comment Date: August 14, 1992.

k. Status of Environmental Analysis:

This application is not ready for environmental analysis at this time—see attached standard paragraph E1.

l. Description of Project: The project as licensed consists of the following two developments.

A. Yates Hydroelectric Project, Ferc No. 2407

The existing project consists of: (1) A dam composed of (a) a non-overflow concrete gravity section, 126.7 feet in length, which ties the spillway section to the east abutment, with a crest width of 10.0 feet at an elevation of 370.0 feet MD (Martin Datum), (b) an ogee spillway gravity section, 618.19 feet in length, with a crest elevation of 344.0 feet MD, constructed of mass concrete and cyclopean masonry, located between the east gravity section and the headworks section, (c) a headworks gravity section, located between the spillway section and the west gravity section, constructed of reinforced and unreinforced concrete portions, 180 feet in length with nine bays, each 10 feet wide, (d) a non-overflow concrete gravity section, 319.12 feet in length, which ties the headworks section to the west abutment with a crest width ranging from 6.0 feet to 10.0 feet at an elevation of 350.67 feet MD; (2) a reservoir with a surface area of 2,000 acres and a total volume of 53,890 acre-feet at the normal maximum surface elevation of 344.00 feet MD; (3) a powerhouse, 120 feet long, 60 feet wide and 67 feet high, located downstream of the headworks, constructed of brick, steel and concrete, equipped with (a) two vertical shaft Francis turbines with a combined hydraulic capacity of 10,200 cfs, manufactured by I.P. Morris Company and rated at 25,000 hp at 55 feet of net head, (b) two 3-phase, 60-cycle vertical shaft generators, manufactured by General Electric Company and rated at 16,000 kW, (c) a Niles powerhouse crane, 150 ton capacity; (4) a substation with four 13,333 kVa, 6.9-26.2/115 kV oil insulated, water cooled, single phase power transformers (1 spare).

B. Thurlow Hydroelectric Project, Ferc No. 2408

The existing project consists of: (1) a dam composed of (a) A non-overflow concrete gravity section, 354.54 feet in length, which ties the spillway section to the east abutment, with a crest width ranging from 6.0 feet to 10.0 feet at an elevation of 305.0 feet MD (Martin Datum), (b) an ogee spillway gravity section, 1,098.0 feet in length, with a crest elevation of 283.85 feet MD,

constructed of mass concrete and cyclopean masonry, surmounted with 36 automatic crest gates, 28 feet wide and 5 feet high, located between the east gravity section and the headworks section, (c) a headworks gravity section, located between the spillway section and the west gravity section, constructed of reinforced and unreinforced concrete portions, 186.3 feet in length with seven bays, each 10 feet wide, (d) a non-overflow concrete gravity section, 288.0 feet in length, which ties the headworks section to the west abutment with a crest width ranging from 6.0 feet to 10.0 feet at an elevation of 305.0 feet MD; (2) a reservoir with a surface area of 574 acres and a total volume of 17,980 acre-feet at the normal maximum surface elevation of 288.00 feet MD; (3) a powerhouse, 186 feet long, 52 feet wide and 67 feet high, located downstream of the headworks, constructed of brick, steel and concrete, equipped with (a) three vertical shaft Francis turbines with a combined hydraulic capacity of 10,600 cfs, two manufactured by I.P. Morris Company, rated at 36,000 hp at 88 feet of net head, and one manufactured by S. Morgan Smith, rated at 12,000 hp at 88 feet of net head, (b) three, 3-phase, 60-cycle vertical shaft generators, two manufactured by Westinghouse Electric Corporation, rated at 25,000 kW, and one manufactured by General Electric Company, rated at 8,000 kW, (c) a 150 ton capacity Cleveland powerhouse crane with a 20 ton auxiliary hook; (4) a substation with four 23,333 kVa, 13.2-66.4/115 kV oil insulated, water cooled, single phase power transformers (1 spare).

The applicant proposes the rewinding of the existing generators to increase the project capacity. The applicant estimates the total project capacity would be 103.05 MW and the total average annual generation would be 423,589 GWH. There 9.41 acres of U.S. Federal lands within the Yates Hydro Project No. 2407. The dam and existing project facilities of each development are owned by the applicant. The existing projects would also be subject to Federal takeover under Sections 14 and 15 of the Federal Power Act.

m. Purpose of Project: Project power would be utilized by the applicant for sale to its customers.

n. This notice also consists of the following standard paragraphs: B1 and E1.

o. Available Location of Application: A copy of the application, as amended and supplemented, is available for inspection and reproduction at the Commission's Public Reference and Files Maintenance Branch, located at

941 North Capitol Street, NE., room 3104, Washington, DC, 20426, or by calling (202) 208-1371. A copy is also available for inspection and reproduction at Alabama Power Company, 600 North 18th Street, P.O. Box 2641, Birmingham, AL or by calling (205) 250-1380.

5a. Type of Application: New Major License < 5 MW.

b. Project No.: 2411-005.

c. Date Filed: December 24, 1991.

d. Applicant: STS Hydropower, Ltd. and Dan River, Inc.

e. Name of Project: Schoolfield Dam Hydroelectric Project.

f. Location: On the Dan River in the city of Danville, Virginia.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Applicant Contact: Mr. Mark J. Sundquist, President, STS Hydropower, Ltd., 111 Pfingsten Road, Northbrook, IL 60062, (708) 272-6520.

i. FERC Contact: Mr. Hector Perez, (202) 219-2843.

j. Comment date: August 17, 1992.

k. Status of Environmental Analysis: This application is not ready for environmental analysis at this time—see attached paragraph E1.

l. Description of Project: The run-of-river project consists of: (1) A 25-foot-high concrete dam consisting of an 910-foot-long ogee spillway topped with 3-foot-high flashboards; (2) a 67-foot-long fishway; (3) a 90-acre impoundment; (3) a powerhouse containing three generating units with a total installed capacity of 4,550 kW; (4) a transmission line interconnection; and (5) appurtenant facilities.

The Applicant is not proposing any changes to the existing project works as licensed.

m. Purpose of Project: All energy generated by the project would be sold to Virginia Power.

n. This notice also consists of the following standard paragraphs: B1 and E1.

o. Available Location of Application: A copy of the application, as amended and supplemented, is available for inspection and reproduction at the Commission's Public Reference and Files Maintenance Branch, located at 941 North Capitol Street, NE., room 3104, Washington, DC 20426, or by calling (202) 208-1371. A copy is also available for inspection and reproduction at STS Hydropower, Ltd., located at 111 Pfingsten Road, Northbrook, Illinois 60062, or by calling Mr. Mark J. Sundquist at (708) 272-6520.

6a. Type of Application: Subsequent License.

b. Project No.: 2421-003.

c. Date Filed: December 31, 1991.

d. Applicant: Flambeau Paper Corporation.

e. Name of Project: Lower Hydro Project.

f. Location: On the North Fork of the Flambeau River in Price and Ashland Counties, Wisconsin.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Applicant Contact: Mr. James M. McGinnity, Vice President, Flambeau Paper Corporation, 200 North First Avenue, Park Falls, WI 54552, (715) 762-3231.

i. FERC Contact: Ed Lee (dt) (202) 219-2809.

j. Comment date: August 10, 1992.

k. Status of Environmental Analysis: This application is not ready for environmental analysis at this time—see attached standard paragraph E1.

l. Description of Project: The project as licensed consists of the following: (1) Two existing earth dikes, the first (the "left dike") extends 80 feet and the second (the "right dike") extends 64 feet, each consisting of a sand, gravel and silt mixture with a central concrete corewall; (2) an existing concrete gravity ogee spillway section, approximately 102 feet long, containing four tainter gates, each 20.1 feet long by 13 feet high; (3) an existing concrete log sluice; (4) an existing reservoir with a surface area of approximately 71 acres and a total storage volume of approximately 570 acre-feet at the normal surface elevation of 1468.0 feet NGVD; (5) an existing reinforced concrete and brick powerhouse, 93 feet long by 52 feet wide, containing (a) three vertical AVB turbines with a combined plant hydraulic capacity of 930 cfs, manufactured by Allis Chalmers and rated at 800 hp each, and (b) three generators, manufactured by Allis Chalmers and rated at 400 kW each, providing a total plant rating of 1,200 kW; and (6) existing appurtenant facilities. No changes are being proposed for this subsequent license. The applicant estimates the average annual generation for this project would be 5,920 MWH. The dam and existing project facilities are owned by the applicant.

m. Purpose of Project: Project power would be utilized by the applicant for sale to its customers.

n. This notice also consists of the following standard paragraphs: B1 and E1.

o. Available Locations of Application: A copy of the application, as amended and supplemented, is available for inspection and reproduction at the Commission's Public Reference and Files Maintenance Branch, located at

941 North Capitol Street, NE., room 3104, Washington, DC, 20426, or by calling (202) 208-1371. A copy is also available for inspection and reproduction at Flambeau Paper Corporation, 200 North First Avenue, Park Falls, WI (715) 762-3231.

7 a. *Type of Application:* Subsequent License.

b. *Project No.:* 2473-002.

c. *Date Filed:* December 31, 1991.

d. *Applicant:* Flambeau Paper Corporation.

e. *Name of Project:* Crowley Hydro Project.

f. *Location:* On the North Fork of the Flambeau River in Price County, Wisconsin.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. *Applicant Contact:* Mr. James M. McGinnity, Vice President, Flambeau Paper Corporation, 200 North First Avenue, Park Falls, WI 54552, (715) 762-3231.

i. *FERC Contact:* Ed Lee, (202) 219-2809.

j. *Comment Date:* August 10, 1992.

k. *Status of Environmental Analysis:* This application is not ready for environmental analysis at this time—see attached standard paragraph E1.

l. *Description of Project:* The project as licensed consists of the following: (1) Two existing earth embankments, the first (the "left embankment") extends approximately 133 feet and the second (the "right embankment") extends approximately 255 feet, each embankment contains a reinforced concrete corewall; (2) an existing concrete gated ogee spillway section, approximately 71 feet long, containing (a) two tainter gates, each 20.1 feet long by 12 feet high, (b) two stoplog gates, each 9 feet long by 13 feet high, (c) two submerged sluice gates located under the stoplog gates, each 4 feet long by 4 feet high, and (d) a concrete apron on the downstream side; (3) an existing reservoir with a surface area of 422 acres and a net storage capacity of 3,539 acre-feet at the normal surface elevation of 1,428.0 NGVD; (4) an existing reinforced concrete and brick powerhouse, 54 feet long by 48 feet wide, containing (a) two vertical turbines with a combined hydraulic capacity of 1,480 cfs, manufactured by S. Morgan Smith and rated at 1,600 hp and 720 hp, and (b) two generators, manufactured by Allis-Chalmers and rated at 1,000 kW and 500 kW, providing a total plant rating of 1,500 kW; and (5) existing appurtenant facilities. No changes are being proposed for this subsequent license. The applicant estimates the average annual generation for this project would be 7,423 MWH.

The dam and existing project facilities are owned by the applicant.

m. *Purpose of Project:* Project power would be utilized by the applicant for sale to its customers.

n. *This notice also consists of the following standard paragraphs:* B1 and E1.

o. *Available Location of Application:* A copy of the application, as amended and supplemented, is available for inspection and reproduction at the Commission's Public Reference and Files Maintenance Branch, located at 941 North Capitol Street, NE., room 3104, Washington, DC, 20426, or by calling (202) 208-1371. A copy is also available for inspection and reproduction at Flambeau Paper Corporation, 200 North First Avenue, Park Falls, WI (715) 762-3231.

8 a. *Type of Application:* New Major License.

b. *Project Nos.:* 2552-007.

c. *Date Filed:* November 28, 1991.

d. *Applicant:* Central Maine Power Company.

e. *Name of Project:* Fort Halifax Project.

f. *Location:* On the Sebasticook River, Kennebec County, Maine.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. *Applicant Contact:* Mr. Gerald C. Poulin, Central Maine Power Company, Edison Drive, Augusta, ME 04336, (207) 623-3521.

i. *FERC Contact:* Robert Bell (RB) (202) 219-2806.

j. *Comment Date:* August 14, 1992.

k. *Status of Environmental Analysis:* This application is not ready for environmental analysis at this time—see attached standard paragraph E1.

l. *Description of Project:* The existing project consists of: (1) A concrete Ambursen dam about 552.75 feet long and 29 feet high, having from south to north, (a) a non-overflow abutment section about 80.5 feet long with one 4-foot by 3-foot slide gate; (b) a spillway section about 351.75 feet long controlled by 4-foot-high pin supported flashboards; and (c) an intake/powerhouse section about 120.5 feet long with waterwheel flume; (2) a concrete retaining wall about 30 feet long located adjacent to the powerhouse section; (3) a brick powerhouse containing two turbine-generator units with a total installed capacity of 1500-kW; (4) a tailrace; (5) a transmission line; and (6) appurtenant facilities.

The Applicant is not proposing any changes to the existing project works as licensed. The Applicant owns all the existing project facilities.

The existing project would also be subject to Federal takeover under

Sections 14 and 15 of the Federal Power Act. Based on the expiration of December 31, 1993, the Applicant's estimated net investment in the project would amount to \$195,142.

m. *Purpose of Project:* Project power would be utilized by the applicant for sale to its customers.

n. *This notice also consists of the following standard paragraphs:* B1 and E1.

o. *Available Location of Application:* A copy of the application, as amended and supplemented, is available for inspection and reproduction at the Commission's Public Reference and Files Maintenance Branch, located at 941 North Capitol Street, NE., room 3104, Washington, DC, 20426, or by calling (202) 208-1371. A copy is also available for inspection and reproduction at Central Maine Power Company, 34 Anthony Avenue, Augusta, ME 04330 (207) 623-3521.

9 a. *Type of Application:* Subsequent Minor License.

b. *Project No.:* 2640-010.

c. *Date filed:* December 27, 1991.

d. *Applicant:* Flambeau Paper Corporation.

e. *Name of Project:* Upper Hydro.

f. *Location:* On the North Fork Flambeau River near Park Falls in Price and Ashland Counties, Wisconsin.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. *Applicant Contact:* Mr. James M. McGinnity, 200 North First Avenue, Park Falls, WI 54552, (715) 762-3231.

i. *FERC Contact:* Ms. Julie Bernt, (202) 219-2814.

j. *Deadline Date:* August 10, 1992.

k. *Status of Environmental Analysis:* This application is not ready for environmental analysis at this time—see attached paragraph E.

l. *Description of Project:* The licensed project would consist of the following existing facilities: (1) A 44-foot-long earth dam; (2) a reinforced concrete gated spillway; (3) a reservoir with a surface area of 431 acres at surface elevation 1,487.4 feet NGVD and a storage area of 3,280 acre-feet; (4) a 100-foot-wide, 1,300-foot long power canal; (5) a powerhouse containing two generating units each with a rated capacity of 450 kW; and (6) appurtenant facilities. The applicant is proposing no changes to the project. The average annual net energy generation is 5,533,500 kWh.

m. *Purpose of Project:* Project power would be utilized by the applicant for use in its paper mill operation.

n. *This notice also consists of the following standard paragraphs:* B1 and E1.

o. Available Location of Application:

A copy of the application is available for inspection and reproduction at the Commission's Public Reference and Files Maintenance Branch, located at 941 North Capitol Street, NE., room 3104, Washington, DC 20426, or by calling (202) 208-1371. A copy is also available for inspection and reproduction at Flambeau Paper Corporation, 200 North First Avenue, Park Falls, WI 54552, or by calling (715) 762-3231.

10a. Type of Application: New Major License.**b. Projects Nos.:** 2671-002.**c. Date Filed:** December 24, 1991.**d. Applicant:** Kennebec Water Power Company.**e. Name of Project:** Moosehead Lake Project.**f. Location:** On the Kennebec River, Somerset and Piscataquis Counties, Maine.**g. Filed Pursuant to:** Federal Power Act, 16 U.S.C. 791(a)-825(r).**h. Applicant Contact:** Mr. Gerald C. Poulin, Kennebec Water Power Company, Edison Drive, Augusta, ME 04336, (207) 623-3521.**i. FERC Contact:** Robert Bell (RB) (202) 219-2806.**j. Comment Date:** August 14, 1992.**k. Status of Environmental Analysis:** This application is not ready for environmental analysis at this time—see attached standard paragraph E1.

l. Description of Project: The existing project would consist of: (1) The two existing dams: (a) the 1,004-foot-long earth and concrete East Outlet Dam ranging in height from 15 to 20 feet; and (b) the 830-foot-long, 14-foot-high earth and concrete West Outlet Dam; (2) a reservoir having a surface area of 74,200 acres, with a storage capacity of 544,880 acre-feet, and normal water surface elevation of 1029 feet msl; and appurtenant facilities.

The Applicant is not proposing any changes to the existing project works as licensed. The Applicant owns all the existing project facilities.

The existing project would also be subject to Federal takeover under sections 14 and 15 of the Federal Power Act. Based on the expiration of December 31, 1993, the Applicant's estimated net investment in the project would amount to \$255,000.

m. Purpose of Project: Project power would be utilized by the applicant for sale to its customers.

n. This notice also consists of the following standard paragraphs: B1 and E1.

o. Available Location of Application:

A copy of the application, as amended and supplemented, is available for inspection and reproduction at the

Commission's Public Reference and Files Maintenance Branch, located at 941 North Capitol Street, NE., room 3104, Washington, DC, 20426, or by calling (202) 208-1371. A copy is also available for inspection and reproduction at Kennebec Water Power Company, c/o Central Maine Power Company, 34 Anthony Avenue, Augusta, ME 04330, (207) 623-3521.

11a. Type of Application: Minor License.**b. Project No.:** 11300-000.**c. Date filed:** June 3, 1992.**d. Applicant:** Commonwealth Power Company.**e. Name of Project:** LaBarge Dam Project.**f. Location:** On the Thornapple River, near Caledonia, Kent County, Michigan.**g. Filed Pursuant to:** Federal Power Act 16 U.S.C. 791(a)-825(r).**h. Applicant Contact:** Commonwealth Power Company, 7310—84th Street, SE., Caledonia, MI 49316, (616) 891-9300.**i. FERC Contact:** Mary C. Golato (202) 219-2804.**j. Comment Date:** August 3, 1992.

k. Description of Project: The proposed project would consist of an existing dam 30 feet high; an uncontrolled ogee spillway with a crest length of 116 feet; two tainter gate bays with steel tainter gates each 20 feet wide by 10 feet high; a powerhouse containing two existing turbine-kilowatts; an existing 25-foot, 2,400-kilovolt transmission line; and appurtenant facilities.

l. Pursuant to § 4.32(b)(7) of 18 CFR of the Commission's regulations, if any resource agency, Indian Tribe, or person believes that an additional scientific study should be conducted in order to form an adequate factual basis for a complete analysis of the application on its merit, the resource agency, Indian Tribe, or person must file a request for a study with the Commission not later than 60 days from the issuance date of this notice and serve a copy of the request on the applicant.

12a. Type of Application: New Major License.**b. Projects No.:** 2458-009.**c. Date Filed:** December 17, 1991.**d. Applicant:** Great Northern Paper, Inc.**e. Name of Project:** Penobscot Mills Project.**f. Location:** On the West Branch of the Penobscot River and Millinocket Stream, Penobscot and Piscataquis Counties, Maine.**g. Filed Pursuant to:** Federal Power Act, 16 U.S.C. 791(a)-825(r).**h. Applicant Contact:** Mr. James Carson, Great Northern Paper, Inc.,

Georgia-Pacific Corporation, Millinocket, ME 04462, (207)—723-5131.

i. FERC Contact: Robert Bell (RB) (202) 219-2806.**j. Comment Date:** August 21, 1992.

k. Status of Environmental Analysis: This application is not ready for environmental analysis at this time—see attached standard paragraph E1.

l. Description of Project: The Penobscot Mills Project (Project) consists of four discrete generating facilities, and one storage/pump station development, beginning with the most upstream: the Mullinocket Lake Storage Development (which is located northeast of the North Twin Development and contains a pumping station), the North Twin Development, the Millinocket Development, the Dolby Development, and the East Millinocket Development. For the existing condition, the Project has a total nameplate generator capacity of 55.3 megawatts (MW) and an average annual generation of about 386,400 megawatt-hours (MWH).

The existing Penobscot Mills Project's principal features consists of five dam structures, five impoundments, four powerhouses, and appurtenant facilities. In detail, the existing and proposed project is described as follows:

Millinocket Lake Storage Development

The development is strictly used for storage with water being either released through the dam and down the Millinocket Stream, or pumped through a pumping station into the North Twin impoundment for an increase in generation at the North Twin and Millinocket Developments. There are no hydroelectrical generating facilities located at this development. The Storage Development consists of:

(1) A concrete and earth-filled dam, totaling about 635 feet long, having: (a) An earthen embankment, 462 feet long, with a crest elevation of ranging from 485.6 feet (USGS) to 487.0 feet (USGS); (b) two spillway sections, totaling about 115 feet long with a crest elevation of 480.0 feet (USGS), separated by; (c) a 58-foot-long intake section, with four lift gates, 8 feet wide by 9 feet high, and a log sluice gated, 8 feet wide by 10 feet high, protected by trashracks of $\frac{3}{8}$ -inch steel bars and 1-inch openings;

(2) A concrete, steel, and brick pumping station, about 25 feet wide by 53 feet long, equipped with: (a) Two vertical wet pit pumps, each with a capacity of 122 cubic per second (cfs), driven by; (b) two induction motors, each with a capacity of 250 horsepower (hp), discharging into; (c) two underground 4.5-foot-diameter pipes, —

about 544 feet long, that lead to the outlet structure at North Twin impoundment, which has; and (d) two steel gates, about 6 feet high by 6 feet wide;

(3) An impoundment, having: (a) A surface area of about 8,640 acres; (b) a gross storage capacity of 45,370 acre-feet; (c) a useable storage capacity of 45,370 acre-feet; and (d) a normal pool headwater elevation of 480.0 feet (USGS);

(4) And appurtenant facilities.

North Twin Development

(1) A concrete gravity and earthfill dam, totaling about 1,051 feet long, with a maximum height of 35 feet, consisting of: (a) Two earth wings with concrete core walls, totaling about 500 feet long, of which 309 feet is topped with a paved roadway and 100 feet is topped with a parapet wall, having crest elevations that vary from 498.60 feet to 494.62 feet (USGS); (b) a 34-foot-long concrete weir fishway with two deep gated log sluice sections; (c) a 114-foot-long by 37-foot-wide intake section, having trashracks of $\frac{3}{8}$ -inch steel bars with 2- $\frac{1}{2}$ inches openings; (d) a 117-foot-long concrete spillway, having to Taintor gates, each measuring 27 feet high by 50 feet wide, with an invert elevation of 464.62 feet (USGS); and (e) six auxiliary earth dikes, totaling about 2,530 feet long;

(2) A concrete, steel, and brick powerhouse, integral with the dam, about 90 feet wide by 114 feet long, equipped with: (a) Two vertical Francis turbines and one vertical Kaplan turbines, totaling of 9,350 hp, directly connected to three generators having; (b) a total rated capacity of 9,840 kilowatts (kW); (c) a total hydraulic capacity of 4,500 cfs; (d) a net head of 28 feet, and (e) an average annual generation of 47,300 MWH, discharging into; (f) a tailrace of six bays, each measuring 14 feet wide, and bordered by; (g) a 28-foot-long concrete retaining wall;

(3) An impoundment, about 11.8 miles long, having: (a) A surface area of about 17,790 acres; (b) a gross storage capacity of 346,000 acre-feet; (c) a useable storage capacity of 344,400 acre-feet; and (d) a normal pool headwater elevation of 491.92 feet (USGS) and tailwater elevation of 460.7 ft (USGS);

(4) A 4.2 miles long, 34.5 kilovolt (kV), transmission line;

(5) And appurtenant facilities.

Millinocket Development

(1) A concrete gravity and Stone dam, at the outlet of Quakish Lake, totaling about 1,262 feet long, with a maximum height of 27 feet, consisting of: (a) A concrete gravity overflow section, about

300 feet long, having a crest elevation of 458.95 feet (USGS); (b) two concrete gravity sections, totaling about 786 feet long, having a crest elevation of 456.20 feet (USGS), topped with 30-inch-high flashboards, separated by; (c) a 52-foot-long wastegate structure with four steel gates; (d) eight auxiliary earth dikes totaling about 5,769 feet long; and (e) a 124-foot-long headgate section, with ten steel gates, each about 8 feet high by 11 feet wide, and a sluiceway about 10 feet high by 12 feet wide;

(2) An intake section, extending from the headgates, located at the outlet of Quakish Lake, through Ferguson Pond to the intake structure at Ferguson Pond outlet, consisting of: (a) A canal section, measuring about 150 feet wide by 1,400 feet long, separated from the back channel by a concrete gravity section, having a crest elevation of 458.20 feet (USGS), topped with 8-inch-high flashboards; (b) a concrete and wood frame intake structure having (i) six gates, each measuring 12.5 feet wide by 12.5 feet high, which control the flow into six 10-foot-diameter penstocks, 1,007 feet long, leading to the units in the Grinder Room, protected by trashracks of $\frac{3}{8}$ -inch steel bars with 2- $\frac{1}{2}$ inches openings; and (ii) one gate, measuring 13.5 feet wide by 13.5 feet high, which controls the flow into a 11-foot-diameter penstock, 1,024 feet long, leading to a unit in the Generator Room, protected by a trashrack of $\frac{3}{8}$ -inch steel bars with 2- $\frac{1}{2}$ inch openings;

(2) A concrete, steel, and brick powerhouse, about 52 feet wide by 112 feet long, equipped with: (a) Five hydromechanical and three hydroelectrical horizontal Francis turbines, totaling of 49,115 hp, connected to three generators having; (b) a total rated capacity of 9,840 kW; (c) a hydraulic capacity of 4,500 cfs; (d) a net head of 108 feet; and (e) an average annual generation of 203,300 MWH discharging into; (f) a tailrace of seven bays, each measuring 14 feet wide;

(3) An impoundment, having: (a) A surface area of about 1,344 acres; (b) a gross storage capacity of 8,100 acre-feet; (c) a negligible useable storage capacity; and (d) a normal pool headwater elevation of 458.7 feet (USGS) and tailwater elevation of 347.4 ft (USGS); and

(4) A 300-foot-long, 34.5 kilovolt (kV), transmission line;

(5) And appurtenant facilities.

Dolby Development

(1) A concrete gravity and earthfill dam, totaling about 1,395 feet long, with a maximum height of 66 feet, consisting of: (a) A concrete gravity spillway section, about 521 feet long, having a

crest elevation of 332.2 feet (USGS), topped with 4-foot-high flashboards, separated by; (b) a 76-foot-long wastegate structure with six gates, each about 6 feet by 9 feet, and by (c) a 34-foot-long log sluice section; (d) an earthen dike, with core walls, about 530 feet long topped with a 12-foot-wide travel path; and (e) a 209-foot-long headgate section, with nine gates, protected by 3 sets of trashracks of $\frac{3}{8}$ inch steel bars with 1- $\frac{1}{2}$ inch openings and 4 sets of trashracks of $\frac{3}{8}$ inch steel bars with 2- $\frac{1}{2}$ inches openings

(2) A concrete, steel, and brick powerhouse, about 115 feet wide by 167 feet long, and an addition of 32 feet wide by 36 feet long, equipped with: (a) Three horizontal Francis, three inclined tube, and one vertical Kaplan turbines, totaling of 28,732 hp, connected to seven operable generators having; (b) a total rated capacity of 20,988 kW; (c) a hydraulic capacity of 6,000 cfs; (d) a net head of 49 feet; and (e) an average annual generation of 98,100 MWH, discharging into (f) a tailrace, with eight discharge bays;

(3) An impoundment, about 11.8 miles long, having: (a) A surface area of about 2,048 acres; (b) a gross storage capacity of 41,956 acre-feet; (c) a negligible useable storage capacity; and (d) a normal pool headwater elevation of 336.2 feet (USGS) and tailwater elevation of 287.2 ft (USGS); and

(4) A 2 miles long, 34.5 kV, 60 hertz (Hz) and a 6.8 miles long, 33.0 to 34.5 kV, 40 Hz transmission lines;

(5) And appurtenant facilities.

East Millinocket Development

(1) A concrete and earthfill gravity dam, totaling about 571 feet long, with a maximum height of 28 feet, consisting of: (a) An earth embankment about 116 feet long with a top elevation of 295.2 ft (USGS); (b) a concrete gravity spillway section, about 300 feet long, having a crest elevation of 283.2 feet (USGS), topped with 4-foot-high flashboards, separated by; (c) a 59-foot-long wastegate structure with two gates, each about 23 feet wide; (d) a 7-foot-long timber cribbed section; and (e) a 146-foot-long intake section, with twelve gates, about 9 feet high by 11 feet wide, protected by trashracks of $\frac{3}{8}$ -inch steel bars with 1- $\frac{1}{2}$ inches openings;

(2) A concrete, steel, and brick powerhouse, about 56 feet wide by 147 feet long, equipped with: (a) Six horizontal Francis turbines and generator units, totaling of 9,300 hp, having; (b) a total rated capacity of 9,600 kW; (c) a hydraulic capacity of 4,200 cfs; (d) a net head of 24 feet; and (e) an average annual generation of 37,700

MWH; discharging into (f) a tailrace, about 1,050 feet long by 110 feet wide, with six discharge bays;

(3) An impoundment, having: (a) A surface area of about 128 acre; (b) a gross storage capacity of 1,950 acre-feet; (c) a negligible useable storage capacity; and (d) a normal pool headwater elevation of 287.2 feet (USGS) and tailwater elevation of 261.5 ft (USGS); and

(4) And appurtenant facilities.

The Applicant is not proposing any changes to the existing project works as licensed. The Applicant owns all the existing project facilities.

The existing project would also be subject to Federal takeover under sections 14 and 15 of the Federal Power Act.

Based on the expiration of December 31, 1993, the Applicant's estimated net investment in the project would amount to \$69,179,901.

m. *Purpose of Project:* Project power would be utilized by the applicant in its paper making plants.

n. *This notice also consists of the following standard paragraphs:* B1 and E1.

o. *Available Location of Application:* A copy of the application, as amended and supplemented, is available for inspection and reproduction at the Commission's Public Reference and Files Maintenance Branch, located at 941 North Capitol Street, NE., room 3104, Washington, DC 20426, or by calling (202) 208-1371. A copy is also available for inspection and reproduction at Great North Paper, Inc. Energy Research Building, 1 Katahdin Avenue, Millinocket, ME 04462 (207) 723-5131.

13a. *Type of Application:* New Major License.

b. *Projects No.:* 2513-003

c. *Dated Filed:* December 26, 1991

d. *Applicant:* Green Mountain Power Company.

e. *Names of Project:* Essex 19 Project.

f. *Location:* On the Winooski River, Chittenden County, Vermont.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. *Applicant Contact:* Mr. Eugene L. Shlatz, Green Mountain Power Company, 25 Green Mountain Drive, P.O. Box 850, South Burlington, VT 05402, (802) 864-5731.

i. *FERC Contact:* Robert Bell (RB) (202) 219-2806.

j. *Comment Date:* August 14, 1992.

k. *Status of Environmental Analysis:* This application is not ready for environmental analysis at this time—see attached standard paragraph E1.

l. *Description of Project:* The existing project consists of: (1) The existing 495-foot-long, 45-foot-high concrete gravity

dam; (2) the crest is fitted with 5-foot-high flashboards with the 84-foot-long top section fitted with 6.5-foot-high flashboards; (3) an impoundment having a surface area of 352 acres with a storage capacity of 1950 acre-feet and normal water surface elevation of 270 feet USGS; (4) the existing intake structure; (5) four 163-foot-long, 9-foot-diameter steel penstocks; (6) the existing 156.5-foot-long, 65-foot-wide powerhouse containing four turbine-generator units having a total installed capacity of 7,200-Kw; (6) the existing tailrace; (7) the existing 300-foot-long, 34.5-Kv transmission line; and (8) appurtenant facilities.

The Applicant is not proposing any changes to the existing project works as licensed. The Applicant owns all the existing project facilities.

The existing project would also be subject to Federal takeover under sections 14 and 15 of the Federal Power Act. Based on the expiration of December 31, 1993, the Applicant's estimated net investment in the project would amount to \$3,723,278.

m. *Purpose of Project:* Project power would be utilized by the applicant for sale to its customers.

n. *This notice also consists of the following standard paragraphs:* B1 and E1.

o. *Available Location of Application:* A copy of the application, as amended and supplemented, is available for inspection and reproduction at the Commission's Public Reference and Files Maintenance Branch, located at 941 North Capitol Street, NE., room 3104, Washington, DC, 20426, or by calling (202) 208-1371. A copy is also available for inspection and reproduction at Green Mountain Power Company 25 Green Mountain Drive, P.O. Box 850, South Burlington, VT 05402, (802) 864-5731.

a. *Type of Application:* New Major License.

b. *Projects No.:* 2572-005

c. *Date Filed:* December 17, 1991

d. *Applicant:* Great Northern Paper, Inc.

e. *Name of Project:* Ripogenus Project.

f. *Location:* On the West Branch of the Penobscot River and Millinocket Stream, Piscataquis County, Maine.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. *Applicant Contact:* Mr. James Carson, Great Northern Paper, Inc., Georgia-Pacific Corporation, Millinocket, ME 04462, (207) 723-5131.

i. *FERC Contact:* Robert Bell (RB) (202) 219-2806.

j. *Comment Date:* August 21, 1992.

k. *Status of Environmental Analysis:* This application is not ready for

environmental analysis at this time—see attached standard paragraph E1.

l. *Description of Project:* The Ripogenus Project's principal features consist of an impoundment, a dam, a powerhouse, a bypass reach about 4,730 feet long in the Upper Gorge area, and appurtenant facilities. For the existing condition, the Project has a total nameplate generator capacity of 37.5 megawatts (MW) and an average annual generation of about 234,000 megawatt-hours (MWH). In detail, the existing and proposed project is described as follows:

(1) A concrete gravity dam, totaling about 974 feet long, consisting of: (a) A 658-foot-long ogee spillway section with a crest elevation of 929.6 feet (USGS), at a maximum height of 83 feet, topped with 22 stop-log gates, each about 17 feet wide by 11 feet high, and two crest gates, each about 17 feet wide by 11 feet high; (b) a tunnel intake section, about 37 feet long, having (i) a 16-foot-diameter concrete-lined tunnel about 3,850 feet long, (ii) a surge tank, 44 feet in diameter by 104 feet high, rising about 54 feet above grade, and (iii) three concrete-lined steel penstocks, 10 feet in diameter and ranging about 100 to 136 feet in length, all protected by (iv) trashracks of 3 by 3/8-inch steel bars with 2-3/8-inch openings; (c) a gate section, 179 feet long, with four deep waste gates, each about 14 feet high by 6 feet wide; and (d) a 100-foot-long earth embankment with a crest elevation of 942.6 feet (USGS);

(2) A concrete-steel with brick masonry powerhouse, about 76 feet high by 45 feet wide by 130 feet long, equipped with three vertical shaft generating units totaling: (a) a rated capacity of 51,510 horsepower (hp); (b) 37,530 kilowatts (kW); (c) a hydraulic capacity of 3,500 cubic feet per second (cfs); and (d) a designed head ranging from 165 to 175 feet;

(3) An impoundment of about 20.8 miles long, having: (a) a surface area of about 29,270 acres; (b) a gross storage capacity of 710,000 acre-feet; (c) a useable storage capacity of 688,705 acre-feet; and (c) a normal pool headwater elevation of 941.6 feet (USGS) and tailwater elevation of 758.5 feet (USGS);

(4) A 30.2 miles long, 115 kilovolt (kV), transmission line; and

(5) Appurtenant facilities.

The Applicant is not proposing any changes to the existing project works as licensed. The Applicant owns all the existing project facilities.

The existing project would also be subject to Federal takeover under Sections 14 and 15 of the Federal Power Act. Based on the expiration of December 31, 1993, the Applicant's

estimated net investment in the project would amount to \$30,691,200.

m. *Purpose of Project:* Project power would be utilized by the applicant in its paper making plants.

n. *This notice also consists of the following standard paragraphs:* B1 and E1.

o. *Available Location of Application:* A copy of the application, as amended and supplemented, is available for inspection and reproduction at the Commission's Public Reference and Files Maintenance Branch, located at 941 North Capitol Street, NE., room 3104, Washington, DC, 20426, or by calling (202) 208-1371. A copy is also available for inspection and reproduction at Great Northern Paper, Inc., Energy Research Building, 1 Katahdin Avenue, Millinocket, ME 04462, (207) 723-5131.

Standard Paragraphs

B1. *Protests or Motions to Intervene—* Anyone may submit a protest or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, and 385.214. In determining the appropriate action to take, the Commission will consider all protests filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any protests or motions to intervene must be received on or before the specified deadline date for the particular application.

E1. *Filing and Service of Responsive Documents—* The application is not ready for environmental analysis at this time; therefore, the Commission is not now requesting comments, recommendations, terms and conditions, or prescriptions.

When the application is ready for environmental analysis, the Commission will issue a public notice requesting comments, recommendations, terms and conditions, or prescriptions.

All findings must (1) bear in all capital letters the title "PROTEST" or "MOTION TO INTERVENE;" (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. Agencies may obtain copies of the application directly from the applicant. Any of these documents must be filed by providing the original and the number of copies required by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington,

DC 20426. An additional copy must be sent to Director, Division of Project Review, Office of Hydropower Licensing, Federal Energy Regulatory Commission, Room 1027, at the above address. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application.

Dated: June 29, 1992. Washington, D.C.
Lois D. Cashell,
Secretary.
[FR Doc. 92-15557 Filed 7-1-92; 8:45 am]
BILLING CODE 6717-01-M

[Docket Nos. FA90-24-001, FA90-25-001]

Connecticut Light & Power Co. and Western Massachusetts Electric Co.; Order Establishing Hearing Procedures and Consolidating Proceedings

June 29, 1992.

On February 20, 1992, the Chief Accountant issued separate contested audit reports under delegated authority noting that the Connecticut Light & Power Company (CP&L) and Western Massachusetts Electric Company (WMECO) disagreed with certain of the Division of Audit's recommendations.¹ The Chief Accountant requested that the companies notify the Commission whether they would agree to the disposition of the issues under the shortened procedures provided for by part 41 of the Commission's Regulations, 18 CFR part 41.

The contested matters for CP&L are Tariff Exception Nos. 1 through 4 on Schedule No. 4. The contested matters for WMECO are Tariff Exception Nos. 1 and 2 on Schedule No. 3.

On March 23, 1992, CP&L and WMECO responded that they do not consent to the shortened procedures. Section 41.7 of the Commission's Regulations provides that in case consent to the shortened procedures is not given, the proceeding will be assigned for hearing. Accordingly, the Secretary, under authority delegated by the Commission, will set these matters for hearing.

Since CP&L and WMECO are companies in the Northeast Utilities system and the contested items all involve fuel clause billings which are computed system-wide, the matters shall be consolidated for hearing.

Any interested person seeking to participate in these dockets shall file a protest or a motion to intervene pursuant to Rules 211 and 214 of the Commission's Rules of Practice and

Procedure (18 CFR 385.211 and 385.214) no later than 15 days after the date of publication of this order in the *Federal Register*.

It is ordered: (A) Pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Organization Act, the provisions of the Federal Power Act, particularly sections 205, 206 and 301 thereof, and pursuant to the Commission's Rules of Practice and Procedures (18 CFR, Chapter I), a public hearing shall be held concerning the appropriateness of CP&L and WMECO's practices as discussed above.

(B) These proceedings are consolidated for hearing.

(C) A Presiding Administrative Law Judge, to be designated by the Chief Administrative Law Judge, shall convene a prehearing conference in these proceedings, to be held within 45 days of the date of this order, in a hearing room of the Federal Energy Regulatory Commission, 810 First Street, NE., Washington, DC 20426. The Presiding Judge is authorized to establish procedural dates and to rule on all motions (except motions to dismiss) as provided in the Commission's Rules of Practice and Procedure.

(D) This order shall be published in the *Federal Register*.

Lois D. Cashell,
Secretary.
[FR Doc. 92-15556 Filed 7-1-92; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. C192-58-000]

J. Aron & Co.; Application for a Blanket Certificate With Pregranted Abandonment

June 26, 1992.

Take notice that on June 18, 1992, J. Aron & Company (Aron) of 85 Broad Street, New York, New York 10004 filed an application under sections 4 and 7 of the Natural Gas Act (NGA) for an unlimited-term blanket certificate with pregranted abandonment authorizing sales in interstate commerce for resale of natural gas from any source (domestic or foreign), and in gaseous or liquid (LNG) form, to the extent such sales would be subject to the Commission's NGA jurisdiction. Aron's application is on file with the Commission and open for public inspection.

To be heard or to protest the application a person must file a petition to intervene or a protest on or before

¹ 58 FERC ¶¶ 62,144 and 62,145, respectively.

July 16, 1992. A person filing a petition to intervene or a protest must follow the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All petitions to intervene or protests must be filed with the Federal Energy Regulatory Commission, Washington, D.C. 20426.

The Commission will consider all filed protests in deciding the appropriate action to take but filing a protest does not make Protestants parties to a proceeding. A person wanting to be a party to a proceeding or to participate as a party in a hearing must file a petition to intervene.

Under the procedure provided for here, unless otherwise advised, Aron will not have to appear or be represented at any hearing.

Lois D. Cashell,

Secretary.

[FR Doc. 92-15560 Filed 7-1-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP92-1-000 and CP92-71-000]

Northern Natural Gas Co.; Cancellation and Rescheduling of Informal Settlement Conference

June 26, 1992.

Take notice that the informal settlement conference noticed for July 1, 1992, in the above-referenced dockets is hereby cancelled at the request of the pipeline. In lieu thereof, an informal settlement conference will be convened for the purpose of exploring the possible settlement of the above-referenced dockets. The informal settlement conference will be held on July 16 and 17, 1992, commencing at 10 a.m. at the offices of the Commission, 810 First Street, NE., Washington, DC.

Any party, as defined by 18 CFR 385.102(c), or any participant as defined in 18 CFR 385.102(b), is invited to attend. Persons wishing to become a party must move to intervene and receive intervenor status pursuant to the Commission's regulations (18 CFR 385.214).

For additional information please contact Michael D. Cotleur, (202) 208-1076, or John J. Keating, (202) 208-0762.

Lois D. Cashell,

Secretary.

[FR Doc. 92-15559 Filed 7-1-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER92-576-000]

Ridge Generating Station Limited Partnership; Notice of Issuance of Commission Order

June 29, 1992.

Take notice that on June 23, 1992, the Director, Division of Applications, Office of Electric Power Regulation, pursuant to authority delegated under § 375.308 of the Commission's Regulations issued a letter order (Order) in the above-docketed proceeding. The order accepted for filing an agreement involving Ridge Generating Station Limited Partnership (RGSPLP) that provides for the sale of capacity and energy from RGSPLP's 39.6 MW biomass-fueled qualifying facility to Florida Power Corporation. Waiver of parts 33 and 34 of the Commission's regulations (18 CFR parts 33 and 34), was also granted subject to the same conditions provided for in Commonwealth Atlantic Limited Partnership, 51 FERC ¶ 61,368.

Within thirty (30) days of the date of the June 23, 1992, Order, this order, any person desiring to be heard or to protest the Commission's blanket approval of issuances of securities or assumptions of liability by RGSPLP should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214).

Absent a request for hearing within the aforementioned thirty day period, RGSPLP is authorized to issue securities and assume obligations or liabilities as guarantor, indorser, surety, or otherwise in respect of any security or another person; provided that such issue or assumption is for some lawful object within the corporate purposes of the applicant, and compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued Commission approval of RGSPLP's issuances of securities or assumptions of liability.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is July 23, 1992.

Copies of the full text of the Order are available from the Commission's Public Reference Branch, room 3308, 941 North

Capitol Street NE., Washington, DC 20426.

Lois D. Cashell,

Secretary.

[FR Doc. 92-15555 Filed 7-01-92; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL 4150-4]

Agency Information Collection Activities Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. Because EPA is requesting expedited review, this notice includes the actual data collection instrument. The ICR itself is also available to the public for review and comment. It describes the nature of the information collection and its expected cost and burden.

DATES: Comments must be submitted on or before August 3, 1992.

FOR FURTHER INFORMATION OR A COPY OF THIS ICR CONTACT: Sandy Farmer at EPA, (202) 260-2740.

SUPPLEMENTARY INFORMATION:

Office of Solid Waste and Emergency Response

Title: Cement Kiln Dust Waste Characterization Information Collection (EPA ICR # 1618-01). This ICR is a new collection.

Abstract: Under section 8002(o) of the Resource Conservation and Recovery Act (RCRA), the Environmental Protection Agency (EPA) is required to prepare and submit a Report to Congress on cement kiln dust waste. In order to fulfill this mandate and prepare the required detailed and comprehensive study, EPA must collect additional information from the public. The information to be collected includes data on: Dust disposal practices; fuel characterization and use; raw material feed and waste dust characterization; site locations and environmental setting. Cement manufacturing facilities with active kilns must complete and submit the information detailed below to the EPA. EPA will use the data to support the 1993 Report to Congress on cement kiln dust.

Burden Statement: The estimated average public burden for this collection of information is about 65 hours per response. This estimate includes all aspects of the information collection including time for reviewing instructions, gathering the data needed, reviewing the collection of information, and submitting the information.

Respondents: Cement Manufacturing Facilities with Active Kilns.

Estimated Number of Respondents: 114.

Frequency of Collection: One-time.
Estimated Number of Responses per Respondent: 1.

Expedited Review: An expedited request is made under the Paperwork Reduction Act (5 CFR 1320.18). To meet the court-ordered schedule requiring completion of the Report to Congress on April 30, 1993, and allow respondents sufficient time to review, complete and submit this information collection request, EPA is requesting an expedited review of this collection. The Agency has requested OMB clearance by July 31, 1992.

Send comments regarding the burden estimate, or any other aspect of this collection of information, including suggestions for reducing the burden, to:

Sandy Farmer, U.S. Environmental Protection Agency, Information Policy Branch (PM-223Y), 401 M Street, SW., Washington, DC 20460

and

Jonathan Gledhill, Office of Management and Budget, Office of Information and Regulatory Affairs, 725 17th St., NW., Washington, DC 20503.

Dated: June 26, 1992.

Paul Lapsley,

Director, Regulatory Management Division.

Collection Instrument: (The data collection instrument is published for the purpose of expedited review and to facilitate public comments.)

Dear Sir:

This letter requests that you provide the U.S. Environmental Protection Agency (EPA) with existing data that the Agency needs to conduct an ongoing study of cement kiln dust. The need for the data and details of the request are described below.

Section 3001(b)(3)(A)(iii) of the Resource Conservation and Recovery Act (RCRA) excludes "cement kiln dust waste" from regulation as hazardous waste under Subtitle C of RCRA, pending completion of a Report to Congress (RTC) and a subsequent determination six months later by the Agency as to whether Subtitle C regulation of cement kiln dust is warranted. In a settlement agreement signed by the parties and awaiting entry of the Court order (*EDF v. Reilly*, Civ. No. 89-0598 D.D.C.), EPA has committed to complete the RTC by April 30, 1993.

Data needed by the Agency to prepare the required Report to Congress are being

collected by a variety of means, including this letter, which is requesting existing data from your files. This is not a request that you generate any new waste characterization data. Furthermore, if your facility was one of those visited by the Agency during the period from March 14, 1992, to April 10, 1992, EPA is not requesting results of analyses of splits of clinker and cement kiln dust samples that were given to you during that sampling effort. You are asked to respond to this request no later than October 7, 1992.

EPA is requesting that you provide the Agency with available data on facility site location, environmental setting, fuel use and characterization data, the physical and chemical composition of the cement kiln dust generated at your facility, and practices in which kiln dust is sold or given away to be ultimately disposed at off-site locations. EPA needs these data in order to accurately address the study factors required in RCRA Section 8002(o) related to cement kiln dust waste generation and disposal, including present disposal practices, alternatives to current disposal practices, current and potential uses of dust waste, and human health and environmental risks posed by dust disposal.

Specific data needs are listed below. Only data that have not been previously submitted to EPA or collected from your facility by EPA personnel as part of the Agency's recent cement kiln dust and clinker sampling effort, need be submitted in response to this request. Photocopies of pages from your files are acceptable.

The following facility-specific information on kiln dust generated, fuels burned, and environmental setting is to be submitted to the Agency:

(1) The annual quantities, in tons, of kiln dust either sold or given away and removed from your facility property to each of the top five individual recipients (e.g., companies, municipalities, farmers) according to dust weight, for the years 1990 and 1991. Annual quantities of less than one short ton (2000 lbs.) are not to be listed.

(2) The name, address, and telephone number of each of the top five recipients of your kiln dust for the years 1990 and 1991. Recipients of less than one ton of dust annually are not to be listed.

(3) If known, a description of how each recipient listed in response to #2 above uses your kiln dust (e.g., sludge stabilization, soil amendment, fertilizer, hazardous waste stabilization, etc.).

(4) If available, the results of analyses of "as generated" dust (that is, dust in the baghouse or electrostatic precipitator located adjacent to the feed end of the kiln) performed during the month of April, 1992, or the closest month thereto, listing total trace metal concentrations* (mg/kg), trace metal concentrations in TCLP** extracts (mg/liter); the pH of the extracts; total concentrations of radionuclides (e.g., Ra²²⁶, U²³⁸, and Th²³²) (mg/kg); the concentrations of PICs* and nonmetals* (mg/kg); and the total

concentrations of the following constituents (either as ions or oxides): magnesium, sodium, potassium, chloride, and sulfate (mg/kg).

(5) If available, the results of analyses of dust from your waste pile performed during April, 1992, or the closest month thereto, listing total trace metal concentrations* (mg/kg), trace metal concentrations in TCLP** extracts (mg/liter); the pH of the extracts; total concentrations of radionuclides (e.g., Ra²²⁶, U²³⁸, and Th²³²) (mg/kg); the concentrations of PICs* and nonmetals* (mg/kg); and the total concentrations of the following constituents (either as ions or oxides): magnesium, sodium, potassium, chloride, and sulfate (mg/kg).

(6) If available, and not previously submitted to EPA, feed and waste characterization data, (including characterization data for "normal dust" (i.e., dust generated without burning or processing hazardous waste) and the corresponding "upper tolerance limits" (as defined in 56 CFR 42516, August 27, 1991) developed from these data for each metal, nonmetal, and PIC), collected during certification testing, in compliance with the Boiler and Industrial Furnace Rule (56 CFR 7134, February 21, 1991).

(7) If not previously submitted to the Portland Cement Association in response to its December, 1991 survey of the cement industry, a plot of the following features on a topographic map (United States Geological Survey 7.5 minute Quadrangle map or facility plot plan): (1) Facility site boundaries; (2) relevant environmental features such as floodplains, wetlands, endangered species habitats, areas of karst terrain, and active geologic faults; (3) all waste management units, including wastewater treatment plants, cement kiln dust disposal areas, landfills (including those that do not contain cement kiln dust), surface impoundments, mines, quarries, or stopes; and (4) all relevant environmental monitoring locations, including National Pollution Discharge Elimination System (NPDES) stations, State Pollution Discharge Elimination System (SPDES) stations, groundwater monitoring wells, surface water monitoring locations, and ambient air monitoring locations.

In order for EPA to properly interpret the data you provide, your response to this request must include the following information for each kiln dust sample analysis:

- Where the sample was collected (e.g., collector discharge port, storage hopper, bypass discharge port, waste pile) and the type of device that collected the dust (e.g., multiclone, baghouse, electrostatic precipitator);

- If waste fuels were being burned at the time the sample was collected, the types of fuel burned (e.g., waste oil, rubber chips, hazardous-waste solvents), its proportional volume relative to the total fuel mix (e.g., 30% waste fuel), the physical form of the fuel (e.g., containerized solid, liquid, pumpable sludge,

* Metals, nonmetals, and PICs (Particles of Incomplete Combustion) are listed in appendices VII and VIII of the Boiler and Industrial Furnace Rule (56 CFR 7234, February 21, 1991).

** The Toxicity Characteristic Leaching Procedure (TCLP) is described in 40 CFR part 261, appendix II.

non-pumpable sludge) and where the fuel was introduced into the system (flame end of the kiln, stage IV of the precalciner, mid-kiln);

- The date the sample was collected;
- The types of fossil fuels that were burned at the time the sample was collected and their volume proportions relative to the total fuel mix (e.g., 40% coal, 60% petroleum coke); and
- The applicable laboratory detection limit for constituents reported as "not detected" or "below detection limits".

If your facility has previously submitted to EPA any or all of the data described in this request, please provide the name and address of the person to whom you provided the data, and the date it was provided.

If you have dust data to provide to EPA in response to this request please submit it in "hard" (paper) copy. In addition, if you have the data in electronic form—that is, stored in a database that utilizes LOTUS, DBASE III PLUS, or ASCII software, please provide the information on a 3.5" or 5.25" diskette along with a brief explanation of the file format. Please provide the information on diskette only if the information is readily available in electronic form and it is convenient to do so. The Agency does not expect any respondent to generate a new electronic database just to comply with this data request.

EPA is requesting this information under authority of section 3007 of RCRA. Failure to respond to this information request within the specified amount of time may lead to penalties under RCRA section 3008(a). In addition, information obtained under RCRA section 3007 must be made public, unless you claim it to be confidential business information (CBI). The treatment of confidential business information is provided for by RCRA section 3007(b) and regulations are contained in 40 CFR part 2. See the enclosed addendum for further information.

Public reporting burden for this collection of information is estimated to average 65 hours per response, including the time for reviewing instructions, reading rules, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Chief, Information Policy Branch, PM-223, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC, 20460; and to Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC, 20503.

If you have any questions about this inquiry, please contact Bob Hall at (703) 308-8412 or Bill Schoenborn at (703) 308-8483. Please send your response to: Bill Schoenborn, U.S. Environmental Protection Agency, Mail Code: OS-323W, 401 M Street, SW., Washington, DC, 20460.

We look forward to your response by October 7, 1992.

Sincerely,

Matthew A. Straus,

Director Waste Management Division.

[FR Doc. 92-15611 Filed 7-1-92; 8:45 am]

BILLING CODE 6560-50-M

[ER-FRL-4149-4]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared June 15, 1992 Through June 19, 1992 pursuant to the Environmental Review Process (ERP), under section 309 of the Clean Air Act and section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 260-5076.

An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 10, 1992 (57 FR 12499).

Draft EISs

ERP No. D-BIA-K80029-CA Rating EO2, Campo Band of Mission Indians Reservation Solid Waste Management Project, Construction and Operation, Lease and Sublease Approval, Peninsular Ranges, San Diego County, CA.

Summary: EPA expressed environmental objections because the proposed project poses significant potential adverse impacts to water quality. EPA requested additional information in the FEIS on siting criteria, water quality, hydrogeology, current and projected air quality and impacts to resources in Mexico, as well as regulatory enforcement and financing issues under 40 CFR Part 258.

ERP No. D-GSA-G80000-TX Rating LO, Del Rio Border Station Facilities Expansion, Funding, Val Verde County, TX.

Summary: EPA had no objections to the proposed project.

Final EISs

ERP No. F-BOP-G81004-OK, Federal Trans Center (FTC), Construction and Operation, Site Selection, Oklahoma County, OK.

Summary: EPA had no objections to the site alternative chosen by Bureau of Prisons for their Federal Transfer Center.

ERP No. F-BPA-L08047-WA, Puget Sound Area Electric Reliability Plan, Power System Problems Resolution, Implementation, section 10 and 404 Permits, Columbia River Basin, Several Counties, WA.

Summary: Review of the Final EIS has been completed and the project found to be satisfactory. No formal comment letter was sent to the agency.

ERP No.: F-COE-G11020-TX, Fort Polk Louisiana Realignment of the 5th Infantry Division (Mechanized) to Fort Hood Texas, Implementation, Bell,

Coryell, McClennan, West Bell and Lampasas Counties, TX.

Summary: EPA has no objections to the proposed project as described in the final EIS.

ERP No. F-GSA-E81030-GA, Internal Revenue Service, Service Center Annex Consolidation, Construction, Chamblee, GA.

Summary: EPA expressed continued concerns about air quality and requested an analysis of mobile source emissions.

ERP No. F-NOA-A64054-00, Summer Flounder Fishery Management Plan Amendment 2, Implementation, Exclusive Economic Zone (EEZ), ME, NH, MA, CO, RI, NY, NJ, PA, DE, MD, VA.

Summary: Review of the Final EIS/Regulation has been completed and found to be satisfactory. No formal letter was sent to the agency.

ERP No. F-UAF-G11019-NM, Cannon Air Force Base Realignment, F/EF-111 Basing, Implementation, Curry County, NM.

Summary: EPA had no objections to the Air Force's proposed alternative.

Dated: June 29, 1992.

William D. Dickerson,

Deputy Director, Office of Federal Activities.

[FR Doc. 92-15616 Filed 7-1-92; 8:45 am]

BILLING CODE 6560-50-M

[ER-FRL-4149-3]

Environmental Impact Statements: Notice of Availability

AGENCY: Office of Federal Activities, General Information (202) 260-5076 OR (202) 260-5075.

Availability of environmental impact statements filed June 22, 1992 through June 26, 1992 pursuant to 40 CFR 1506.9.

EIS No. 920245, Final EIS, FHW, OR, Sunnyside Road/I-205 Interchange Expansion and Sunnybrook Road Extension, Sunnybrook Road to 108th Avenue or Valley View Terrace, Funding and COE section 404 Permit, Clackamas County, OR, Due: August 03, 1992, Contact: John Gernhauser (503) 399-5749.

EIS No. 920246, Draft EIS, BOP, MS, Yazoo City, Mississippi Federal Correctional Complex, Construction and Operation, Possibly Consisting of a High Security US Penitentiary, Medium Security Federal Correctional Institution and Minimum Security Federal Prison, Site Selection and Possible COE Section 404 Permit, Yazoo City, Yazoo County, MS, Due: August 17, 1992, Contact: Patricia Sledge (212) 514-6470.

EIS No. 920247, Final EIS, BLM, WY, West Rocky Butte (WRB) Tract Coal Lease Application (WYW122586) combined with the existing Rocky Butte Tract (WYW78633) Logical Mining Unit (LMU) Mine Leasing and Land Acquisition, Powder River Basin, Campbell County, WY, Due: August 03, 1992, Contact: Nancy Doelger (307) 261-7627.

EIS No. 920248, Final EIS, FHW, NV, Las Vegas Beltway Southern Segment Construction, US 93/Boulder Highway in the City of Henderson to the intersection of Durango Drive and Tropicana Avenue on the West, Funding, section 10 and 404 Permits, Clark County, NV, Due: August 03, 1992, Contact: Michael A. Cook (702) 687-5320.

EIS No. 920249, FINAL EIS, AFS, AZ, Mt. Lemmon Ski Valley Area, Development and Management, Special Use Permit, Coronado National Forest, Santa Catalina Ranger District, Pima County, AZ, Due: August 03, 1992, Contact: Paula Benefield (602) 749-8700.

EIS No. 920250, Draft EIS, FHW, WA, WA-522 Transportation Improvements, WA-9 near Woodinville to WA-2 in Monroe, Funding, US CGD Permit and Section 10 and 404 Permits, Snohomish River Bridge, Snohomish County, WA, Due: August 17, 1992, Contact: Barry F. Morehead (206) 753-2120.

EIS No. 920251, DRAFT SUPPLEMENT, BLM, MT, Flathead National Forest Land and Resource Management Plan Amendment 16, Old-Growth Management Indicator Species Continued Populations Plan, Implementation, Flathead, Lake, Lincoln, Missoula, Powell and Lewis and Clark Counties, MT, Due: August 17, 1992, Contact: Nancy Warren (406) 758-5325.

EIS No. 920252, Draft EIS, FHW, WA, Elliott Bridge No. 3166 Replacement, WA-169/Renton Maple Valley Highway across the bridge to the intersection of 154th Place SE, Funding, US CGD Bridge Permit and section 404 Permit, Cedar River, City of Renton, King County, WA, Due: August 17, 1992, Contact: Barry F. Morehead (206) 753-2120.

EIS No. 920253, Draft EIS, COE, VA, Norfolk and Western Railway Ground Coal Storage Facility, Construction and Operation, Isle of Wright County, VA, Due: August 17, 1992, Contact: Kenneth M. Kimidy (804) 441-7832.

EIS No. 920254, Draft Supplement, TVA, Vector Control Program, Integrated Pest Management Plan, Updated Information, Due: September 15, 1992, Contact: Dale V. Wilhelm (615) 632-6693.

EIS No. 920255, Draft EIS, SFW, OR, South Tongue Point Land Exchange and Marine Industrial Park Development Project, Management, Land Acquisition

and Possible COE section 10 and 404 Permits, Lewis and Clark National Wildlife Refuge, Clatsop County, OR, Due: August 17, 1992 Contact: Ben Harrison (503) 231-2231.

EIS No. 920256, Final EIS, BLM, MT, Blackleaf Unit Oil and Gas Exploration and Development, Implementation, Great Falls Resource Area, Rocky Mountain Front, Teton County, MT, Due: August 03, 1992, Contact: Richard Hopkins (406) 727-0503.

EIS No. 920257, Final Supplement, AFS, CO, San Juan National, Land and Resource Management Program, Amendment to the Timber Management Program, Archuleta, Conejos, Hinsdale, La Plata, Mineral, Montezuma, Rio Granda, San Juan and San Miguel Counties, CO, Due: August 03, 1992, Contact: William T. Sexton (303) 247-4874.

Amended Notices

EIS No. 920150, Draft EIS, AFS, AK, Alaska Pulp Corporation (APC) Long-Term Timber Sale Contract, Implementation, Southeast Chichagof Project Area, Tongass National Forest, AK, Due: June 29, 1992, Contact: Gordan Anderson (907) 747-6671. Published FR-05-08-92 Review period extended.

EIS No. 920166, Draft EIS, NPS, VT, Appalachian National Scenic Trail Protection, from Deer Leap Mountain to the Mendon-Shrewsbury Town Line, Pico-Killington Section, Implementation, Rutland County, VT, Due: August 01, 1992, Contact: John F. Byrne (304) 535-6278. Published FR 05-15-92—Review period extended.

EIS No. 920184, Draft EIS, AFS, NM, Hay Timber Sale, Timber Harvest and Road Construction, Implementation, Lincoln National Forest, Cloudcroft District, Otero County, NM, Due: July 13, 1992, Contact: Max Goodwin (505) 682-2551. Published FR-05-29-92—Review period extended.

EIS No. 920223, Final EIS, COE, CA, Sacramento River Flood Control System and Flood Protection, Phases II-V, Implementation, Red Bluff to Collinsville, CA, Due: August 03, 1992, Contact: Cynthia Adornetto (916) 557-8738.

Published FR-06-19-92—Refiled Due to Completion of Distribution in Accordance of § 1506.9 of the CEQ Regulations for the Filing of EISs.

Dated: June 29, 1992.

William D. Dickerson,

Deputy Director, Office of Federal Activities.
[FR Doc. 92-15617 Filed 7-1-92, 8:45 am]

BILLING CODE 6560-50-M

FEDERAL DEPOSIT INSURANCE CORPORATION

Information Collection Submitted to OMB for Review

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Notice of information collection submitted to OMB for review and approval under the Paperwork Reduction Act.

SUMMARY: The submission is summarized as follows:

Type of Review: Extension of expiration date without any change in substance or method of collection.

Title: Reports of Indebtedness of Executive Officers and Principal Shareholders to Correspondent Banks and to Own Bank.

Form Number: FFIEC 004.

OMB Number: 3064-0023.

Expiration Date of Current OMB

Clearance: September 30, 1992.

Frequency of Response: Annually.

Respondents: Insured State nonmember banks and their executive officers and principal shareholders.

Number of Respondents: 30,224.

Number of Responses per Respondent: 1.

Total Annual Responses: 30,224.

Average Number of Hours per Response: 2.

Total Annual Burden Hours: 60,448.

OMB Reviewer: Gary Waxman, (202) 395-7340, Office of Management and Budget, Paperwork Reduction Project 3064-0023, Washington, DC 20503.

FDIC Contact: Steven F. Hanft, (202) 898-3907, Office of the Executive Secretary, room F-400, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, DC 20429.

Comments: Comments on this collection of information are welcome and should be submitted on or before August 31, 1992.

ADDRESSES: A copy of the submission may be obtained by calling or writing the FDIC contact listed above. Comments regarding the submission should be addressed to both the OMB reviewer and the FDIC contact listed above.

SUPPLEMENTARY INFORMATION: The FDIC is requesting OMB approval to extend the use of form FFIEC 004 which is designed to assist executive officers and principal shareholders of FDIC-supervised banks in meeting statutory reporting requirements as implemented by FDIC regulation 12 CFR part 349. According to 12 CFR part 349, if during any calendar year an executive officer

or principal shareholder of an insured State nonmember bank or a related interest of such a person has outstanding an extension of credit from a correspondent bank, the executive officer or principal shareholder must make a written report to the board of directors of the insured State nonmember bank on or before January 31 of the following year. Also, upon receipt of written request, the bank is required to disclose to the requester the identity of bank insiders whose indebtedness to the bank exceeds certain amounts.

Dated: June 29, 1992.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 92-15569 Filed 7-1-92; 8:45 am]

BILLING CODE 6714-01-M

Statement of Policy on Foreclosure Consent and Redemption Rights

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Statement of policy.

SUMMARY: The Federal Deposit Insurance Corporation (Corporation) has adopted a policy statement concerning 12 U.S.C. 1825(b)(2) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA) and 28 U.S.C. 2410(c).

The policy statement indicates that where the Corporation's interest in a property is of record, the Corporation in its corporate and receivership capacities reserves the right to require holders of involuntary liens (tax, mechanics' and judgment liens, for example), to obtain the consent of the Corporation prior to foreclosure. With regard to foreclosures by holders of voluntary liens (mortgage liens and deeds of trust, for example), and, where the Corporation's interest in a property is not of record, holders of involuntary liens as well, the Corporation consents to foreclosure pursuant to the policy statement.

The policy statement specifically emphasizes that regardless of providing consent under 12 U.S.C. 1825(b)(2), the Corporation reserves the right to exercise any powers or remedies available to it under the laws of the subject jurisdiction or by contract. With respect to 28 U.S.C. 2410(c), the policy statement provides that the Corporation, in its various capacities, as to any property to which 12 U.S.C. 1825(b)(2) applies, shall not assert any rights it may possess.

The Corporation has received comment concerning the uncertainty the two statutes may cause for recipients of

title through foreclosure. The Corporation is promulgating this statement of policy in order to reduce such uncertainty, minimize the impact the statutes have on the secondary mortgage market in general, and promote efficiency in the Corporation's operations.

EFFECTIVE DATE: July 2, 1992.

FOR FURTHER INFORMATION CONTACT: Gregory Mayfield, Senior Liquidation Specialist, Division of Liquidation (202-898-7368) or Barbara Mitterperl, Counsel (Special Projects), Legal Division (202-736-0133), Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, DC 20429.

SUPPLEMENTARY INFORMATION:

Background

12 U.S.C. 1825(b), the codification of section 15(b) of the Federal Deposit Insurance Act (FDIA), was added by section 219 of FIRREA. Section 1825(b) dealt with the immunity from state taxation enjoyed by the FDIC under section 15 of the FDIA applied when the FDIC acted in its receivership capacity. The section also protected receivership property from both involuntary alienation as well as involuntary liens.

Since the passage of FIRREA, the Corporation has received many requests for consent to foreclosure, waivers of the right to consent, interpretation of the scope of section 1825(b)(2) and its applicability, and specific explication of the Corporation's policy. After analysis, the Corporation has determined that in the interests of promoting efficiency in the Corporation's operations, providing certainty as to title upon foreclosure, and minimizing the impact the statute has on the secondary mortgage market in general, with respect to voluntary liens, the Corporation would, pursuant to its statement of policy, grant the consent required pursuant to section 1825(b) and, as to any property to which section 1825(b)(2) applies, state it will not assert any rights to which it may have been entitled pursuant to 28 U.S.C. 2410(c). The Corporation also has determined that it will continue to require holders of involuntary liens to obtain the Corporation's consent prior to foreclosing pursuant to an involuntary lien, provided the interest of the FDIC in the lien property is of record.

Scope and Applicability

The policy statement applies to the Corporation in its corporate and receivership capacities. It confirms that section 1825(b) applies to all property held by the Corporation acting as receiver or in its corporate capacity, including property of the financial

institutions for which the Corporation has been appointed receiver or property which the Corporation holds for liquidation.

The policy statement further confirms that property of the Corporation encompasses any interest in real and personal property held by the Corporation, including security and equity interests. This is consistent with the Corporation's Policy Statement on the Payment of State and Local Property Taxes, which holds that section 1825(b)(2) covers both the Corporation's fee and lien interests in property. The statement of policy also makes clear that section 1825(b)(2) applies to both tax and non-tax liens.

The policy statement does not authorize, and shall not be construed as authorizing the waiver of the prohibitions in 12 U.S.C. 1825(b)(2) against levy, attachment, garnishment, or sale of property of the Corporation, nor does it authorize or shall it be construed as authorizing the attachment of any involuntary lien upon the property of the Corporation.

Policy and Guidelines

Section 4.a.(ii)(A) of the policy statement provides that where the Corporation holds a lien interest as a result of a mortgage, deed of trust or other similar security instrument, consent is granted to the holder of a consensual security interest which is senior to the Corporation's interest. Similarly, consent is also granted where the Corporation holds a title interest.

Section 4.a.(ii)(B) of the policy statement is a specific case of the general policy set forth in section 4.a.(ii)(A). Subsection (B) does not expand the consent granted under subsection (A), but, in light of the large number of mortgages insured or held by the Federal Housing Administration, the Department of Veterans Affairs, the Farmers Home Administration and the Secretary of Housing and Human Development, the policy specifically refers to these organizations in order to make clear that it applies to interests they hold.

The statement of policy is explicitly limited to the application of 12 U.S.C. 1825(b)(2). The consents granted under the statement of policy do not act to waive or relinquish any rights granted to the Corporation, in any capacity, pursuant to any other applicable law or any agreement or contract. By way of example without limitation, if any local law requires notice to a property owner prior to foreclosure, or if a loan agreement provides notice shall be given, the consent granted under the

policy statement will not act to excuse such requirement to give notice.

Statement of Policy Regarding 12 U.S.C. 1825(b)(2) and 28 U.S.C. 2410(c)

1. Purpose

To establish a uniform policy for determining when the Federal Deposit Insurance Corporation (the "Corporation"), in its various capacities, will consent, pursuant to 12 U.S.C. 1825(b)(2), to permit third parties to foreclose upon mortgages and other liens where title to the affected property is held by the Corporation or the property is encumbered by a security interest held by the Corporation; to provide the consent of the Corporation pursuant to 12 U.S.C. 1825(b)(2) in certain specified instances; to establish a uniform policy regarding the assertion of the one year right of redemption and other rights which may be applicable to the Corporation, in its various capacities, pursuant to 28 U.S.C. 2410(c); and to modify, to the extent inconsistent herewith, the Corporation's Statement of Policy Regarding the Payment of State and Local Property Taxes.

2. Scope and Applicability

This policy addresses the application of 12 U.S.C. 1825(b)(2) to the Corporation in its corporate and receivership capacities, and provides that with regard to foreclosures under *bona fide* mortgages and other security instruments, the Corporation will not assert its rights under that section when acting as conservator, or on behalf of subsidiary corporations of receiverships and conservatorships. This policy also indicates that the Corporation will not assert any rights under 28 U.S.C. 2410(c).

This policy is limited in scope to the right of the Corporation to consent under 12 U.S.C. 1825(b)(2) to permit foreclosure actions, and the rights of the Corporation under 28 U.S.C. 2410(c). This policy shall not be construed as authorizing the waiver of the prohibitions in 12 U.S.C. 1825(b)(2) that no property of the Corporation shall be subject to levy, attachment, or garnishment, or as permitting any sale not specifically authorized in accordance with this policy, without the consent of the Corporation; nor does it authorize waiver of 12 U.S.C. 1825(b)(2)'s prohibition against any involuntary lien attaching upon the property of the Corporation.

3. Background

12 U.S.C. 1825(b)(2) provides that no property of the Corporation shall be subject to levy, attachment, garnishment, foreclosure, or sale without

the consent of the Corporation. The Corporation has received many requests for consents to foreclosure, waivers of the right to consent to foreclosure, and specific statements of the Corporation's policy with respect to that provision.

In addition, 28 U.S.C. 2410(c) provides certain protections when a federal lien or mortgage interest in property is to be extinguished through foreclosure, condemnation, partition or quiet title action. In particular, 28 U.S.C. 2410(c) provides that a sale to satisfy a lien inferior to one of the United States shall be made subject to and without disturbing the lien of the United States, unless the United States consents; and, the United States has a one year right of redemption in the case of any sale of real estate made to satisfy a lien prior to that of the United States.

4. Policy and Guidelines Regarding 12 U.S.C. 1825(b)(2)

a. Receivership and Corporate Capacities

(i) *Generally.* The provisions of 12 U.S.C. 1825(b) apply to all property held by the Corporation acting as receiver or in its corporate capacity, including property of the financial institutions for which the Corporation has been appointed receiver. Property of the Corporation encompasses any interest in real and personal property held by the Corporation, including security interests as well as equity interests. Therefore, no property of the Corporation shall be subject to levy, attachment, garnishment, foreclosure, or sale without the consent of the Corporation.

(ii) *Voluntary Liens Affecting Property Interests of the Corporation.* It is the policy of the Corporation that it will grant its consent to permit foreclosure actions in certain instances as contemplated by 12 U.S.C. 1825(b)(2). The consent of the Corporation is granted in this policy for certain specific matters, and the Corporation will endeavor to consider other appropriate consent requests in a timely manner. More specifically:

(A) *Property Interests.* Where the Corporation has an interest in real or personal property, whether a lien interest as a result of a mortgage, deed of trust or other similar security instrument, or a title interest, the Corporation hereby grants its consent under 12 U.S.C. 1825(b)(2) as to any foreclosure by the holder of a consensual security interest in such property, pursuant to any *bona fide* mortgage, deed of trust, pledge (with respect to personalty) or other similar

security instrument which is senior to the Corporation's interest.

(B) *Real Property Encumbered by Government-Related Mortgage.* In accordance with paragraph 4.a.(ii)(A) above, where the Corporation holds title to a single family residence encumbered by a *bona fide* mortgage insured or guaranteed by the Federal Housing Administration, the Department of Veterans Affairs, or the Farmers Home Administration, or a mortgage held by the Secretary of Housing and Urban Development, the Corporation hereby grants its consent under 12 U.S.C. 1825(b)(2) as to any foreclosure by the holder of such mortgage, deed of trust or other similar security instrument which encumbers such property.

(iii) *Involuntary Liens.* This policy does not permit the attachment, garnishment, execution, levy or distraint of property held by the Corporation. In accordance with 12 U.S.C. 1825(b)(2), holders of mechanics' and materialmen's claims, tax liens and other non-consensual, involuntary liens must obtain the consent of the Corporation to permit foreclosure actions affecting property in which the Corporation's interest is of record. If the Corporation's interest is not of record, the Corporation hereby grants its consent under 12 U.S.C. 1825(b)(2) as to any foreclosure by the holder of any *bona fide* lien which encumbers such property.

The consent of the Corporation under 12 U.S.C. 1825(b)(2) may be requested in accordance with the procedures (the "Procedures") set forth in, and as otherwise established by the Director, Division of Liquidation, pursuant to, paragraph 6 below, with the understanding that consent may be granted or withheld in the sole and absolute discretion of the Corporation.

For purposes of this policy, the interest of the Corporation shall be considered "of record" if, as of the notice date (as defined below): First, for real property, such interest appears vested in the Corporation in its corporate capacity or as receiver for a financial institution in the public land records in accordance with local law, or such interest appears vested in a financial institution for which the Corporation has been appointed receiver in the public land records in accordance with local law and the Corporation has published notice in the **Federal Register** that it has been appointed receiver for that financial institution; and second, for personal property, the property is in the possession of the Corporation, or the lien interest has been perfected in

accordance with applicable law. Financial institutions shall include any predecessors identified in the notice published in the *Federal Register*. For purposes of this policy, the "notice date" shall be for judicial foreclosure actions, the date on which service of notice of the foreclosure sale has been perfected on all persons required to be provided with notice in accordance with applicable law, and for nonjudicial foreclosure actions, the date on which notice of the foreclosure sale has been given to all persons required to be provided with notice in accordance with applicable law.

(iv) *Limited Effect*. The effect of consents to foreclosure under 12 U.S.C. 1825(b)(2) as described above, shall be limited solely to the application of 12 U.S.C. 1825(b)(2). Such consents shall not act to waive or relinquish the rights granted to the Corporation, in any capacity, pursuant to any other applicable law (including any rights under local foreclosure statutes), or with respect to (A) any note, indebtedness, claim or other obligation that has been secured by the property, or (B) the terms of any mortgage, guaranty, security agreement or other document relating to any obligation.

Any foreclosure actions by the lienholder must still be effectuated in accordance with all other applicable laws.

Failure to obtain the consent of the Corporation where required shall not render the subject foreclosure action void or voidable, so long as the interest of the Corporation survives and is not extinguished by such foreclosure action.

b. Conservatorships and Subsidiary Corporations

The Corporation will not assert any right to consent under 12 U.S.C. 1825(b)(2) with regard to a foreclosure action relating to any property interest held by a conservatorship or a subsidiary corporation of a receivership or conservatorship. In accordance with this position, when a Corporation conservatorship, or a subsidiary of an institution, has an interest in property, foreclosure actions undertaken in accordance with applicable state law may proceed without the consent of the Corporation. In the event an interest has economic value, conservatorships and subsidiary corporations must take appropriate actions to protect their interest in the property under local foreclosure law.

c. Successors

It is the policy of the Corporation that in no event shall the right to consent under 12 U.S.C. 1825(b)(2) be assigned or

transferred to any purchaser of property from the Corporation.

5. Policy Regarding 28 U.S.C. 2410(c)

As to any property to which section 1825(b) applies, the Corporation, in its various capacities, shall not assert any rights it might possess under 28 U.S.C. 2410(c). In no event shall any rights under 28 U.S.C. 2410(c) be assigned or transferred to any purchaser of property from the Corporation.

6. Procedures

Where the consent of the Corporation is required hereunder, lienholders, or their authorized designee(s), shall submit to the Corporation a written request for the consent of the Corporation to the foreclosure. The request for consent shall be in writing, in the form attached hereto as Exhibit A (as it may be amended from time to time), delivered to the Corporation at the place and address specified in the *Federal Register*, by certified mail or as otherwise specified in the *Federal Register* notice. The place and address specified and the means of delivery may be subject to change from time-to-time. All amendments and changes shall be published in the *Federal Register*. The Director of the Division of Liquidation is hereby authorized and directed to establish and make publicly available such other procedures as the Director deems appropriate to implement this policy.

Consent requests will be ruled upon after the Corporation has gathered the necessary information, analyzed such information, and made a decision as to an appropriate course of action.

If a consent is to be granted, those parties with Power of Attorney may execute the Consent to Foreclosure form. Appearing as Exhibit B is a sample Consent to Foreclosure form for the Corporation acting as receiver. This form should be modified appropriately to reflect the Corporation's capacity or ownership interest.

7. Limitation of Actions

Consents to be granted under this policy are to be provided solely at the discretion of the Corporation. No person shall have any right to bring any action to direct or compel the granting of any consent under this policy, or to pursue any claim or cause of action based on the alleged failure of the Corporation or any person acting on its behalf to take any action whatsoever under this policy.

8. Retroactivity

Subject to the limitations of paragraph 4.a.(iii) above, the Corporation will not assert any right under either 12 U.S.C.

1825(b)(2) or 28 U.S.C. 2410(c) to which it may have been entitled (in either its receivership or corporate capacity) which it agreed not to assert hereunder, with respect to any foreclosure action completed prior to the effective date of this policy. A nonjudicial foreclosure action shall be considered completed upon recordation of the trustee's deed conveying property to the purchaser at a foreclosure sale. A judicial foreclosure shall be considered completed upon entry of a final, nonappealable judgment.

This policy is not retroactive with respect to any matters in litigation on the date hereof, the continuation of which will be reviewed on a case by case basis.

By order of the Board of Directors.

Dated at Washington, DC, this 16th day of June, 1992.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,
Executive Secretary.

Exhibit A

Request and Information Form

[To accompany Request for Consent to Foreclose]

Instructions: This form is to be used by the holder of an involuntary or nonconsensual lien when requesting consent to foreclose in accordance with 12 U.S.C. 1825(b)(2) and Paragraph 4.a.(iii) of the FDIC Statement of Policy regarding 12 U.S.C. 1825(b)(2) and 28 U.S.C. 2410(c) (the "Policy"). In order for a Request to be valid and proper, all information must be completed (unless the form indicates that the information may be completed as available). All forms must be typewritten.

Name of Requesting Party: _____
Address of Requesting Party: _____
Telephone Number: _____

(Area Code) (Number)
Relationship to Lienholder: _____

The above named Requesting Party hereby requests the consent of the Federal Deposit Insurance Corporation, in the appropriate capacity, to the foreclosure of the property more particularly identified below.

Failed Institution Name: _____
Failed Institution Information: _____
(Reference Number) _____

(City) (State)
Property Address: _____
(Street)

(City) (County) (State) (Zip Code)
Legal Description of Property: _____
(Use extra sheet if necessary)
Legal Owner of Property: _____

Lien Information

Lienholder (Foreclosing Party): _____
 Face Amount Lien/Outstanding Amount _____

Date of Lien _____

Recording Information
 (e.g., Folio and Liber or Instrument Number)
 Failed Institution Lien:
 Face Amount Lien _____

Date of Mortgage/Deed of Trust _____

Name of Trustee _____

Beneficiary _____

Recording Information (e.g., Folio, Liber or
 Instrument Number) _____

Foreclosure Sale Information (If
 applicable) _____

Date of Sale: _____
 Place of Sale: _____
 Manner of Sale: _____
 Telephone Number of Contact Person: _____
 Appraised Value of Property: \$ _____
 (If Available)
 as of _____

Appraiser: _____ Date _____
 Name _____

ID Number _____

Address _____

For FDIC Use Only

Date Received: _____
 (Month) (Day) (Year)
 Assigned Account Officer: _____
 Date Response Mailed: _____
 Disposition: _____
 Approved _____

Disapproved _____

Other _____

Attach copy of response and Consent
 to Foreclosure (as applicable).

Exhibit B**Consent to Foreclosure**

In accordance with its rights pursuant
 to 12 U.S.C. 1825(b)(2) and 29 U.S.C.
 2410(c), the FEDERAL DEPOSIT
 INSURANCE CORPORATION ("FDIC"),
 in its capacity as [insert capacity] does
 hereby consent to foreclosures by
 _____ ("Lienholder"), pursuant to that
 certain lien dated _____, and recorded
 at _____ [city/county], among the land

records in _____ [state], which
 encumbers certain real property more
 particularly described in *Exhibit "A"*
 attached to and incorporated in this
 Consent (the "Property").

This consent is limited to the consent
 to foreclosures set forth above pursuant
 to the provisions of 12 U.S.C. 1825(b)(2)
 and 28 U.S.C. 2410(c), only in connection
 with the above-described foreclosure
 action. This consent does not affect the
 rights of the FDIC, in any capacity,
 pursuant to any other applicable law
 (including local foreclosure statutes) or
 with respect to (i) any note,
 indebtedness, claim or other obligation
 ("Obligation") which has been secured
 by the Property or (ii) the terms of any
 mortgage, guaranty, or agreement or
 other document relating to any
 Obligation.

Federal Deposit Insurance Corporation, as
 [insert capacity] _____

By: _____
 Print Name: _____
 Title or Capacity: _____

[Add Appropriate Notarial
 Acknowledgement]

**Notice of Financial Institutions For
 Which the Federal Deposit Insurance
 Corporation Has Been Appointed Either
 Receiver, Liquidator, or Manager**

AGENCY: Federal Deposit Insurance
 Corporation.

ACTION: Listing of Financial Institutions
 in Liquidation.

SUMMARY: The Federal Deposit
 Insurance Corporation (Corporation) has
 adopted a policy statement concerning
 12 U.S.C. 1825(b)(2) of the Financial
 Institutions Reform, Recovery, and
 Enforcement Act of 1989 and 28 U.S.C.
 2410(c). The policy, which is published
 elsewhere in this issue of the **Federal
 Register**, requires in certain
 circumstances the consent of the
 Corporation to permit foreclosure
 actions affecting property in which the
 Corporation has an interest.

Where consent of the Corporation is
 required pursuant to the policy
 statement, lienholders shall submit a
 written request for the consent of the
 Corporation to the foreclosure. The
 request for consent shall be in the form
 indicated in the policy statement, and
 delivered to the Corporation by certified
 mail at the address indicated below
 with the envelope marked: "Foreclosure
 Consent Request". The request shall be

sent to the FDIC office that corresponds
 with the region identified on the
 following list of financial institutions in
 liquidation. This list will be updated
 periodically as appropriate.

Federal Deposit Insurance Corporation
 Division of Liquidation

Regional Offices

Chicago Regional Office, Federal
 Deposit Insurance Corporation, 30
 South Wacker Drive, 32nd Floor,
 Chicago, Illinois 60606

States

Alabama	Minnesota
Arkansas	Mississippi
Delaware	Missouri
Dist. of Columbia	Nebraska
Florida	North Carolina
Georgia	North Dakota
Illinois	Ohio
Indiana	South Carolina
Iowa	South Dakota
Kansas	Tennessee
Kentucky	Virginia
Louisiana	West Virginia
Maryland	Wisconsin
Michigan	

Dallas Regional Office, Federal Deposit
 Insurance Corporation, 1910 Pacific
 Avenue, Suite 1700, Dallas, Texas
 75201

States

Oklahoma	Texas
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New York Regional Office, Federal
 Deposit Insurance Corporation, 452
 5th Avenue, 21st Floor, New York,
 New York 10018, Telephone: (212)
 704-1200

States

Connecticut	Pennsylvania
Maine	Rhode Island
Massachusetts	Vermont
New Hampshire	Puerto Rico
New Jersey	Virgin Islands
New York	

San Francisco Regional Office, Federal
 Deposit Insurance Corporation, 25
 Ecker Street, Suite 1900, San
 Francisco, California 94105

States

Alaska	Montana
Arizona	Nevada
California	New Mexico
Colorado	Oregon
Guam	Utah
Hawaii	Washington
Idaho	Wyoming

Assistance Transactions Branch,
 Federal Deposit Insurance
 Corporation, 1910 Pacific Avenue, 10th
 Floor, Dallas, Texas 75201

States

Assisted Banks Nationwide

FEDERAL DEPOSIT INSURANCE CORPORATION, ACTIVE INSTITUTIONS IN LIQUIDATION

[Alpha Listing (Name)]

Institution name, city/state	Date closed, region	Ref. #
Acadiana National Bank, Lafayette, LA	04/19/90, Chicago	4182
Alaska Continental Bank, Anchorage, AK	08/03/88, San Francisco	2888
Alaska National Bank of the North, Fairbanks, AK	10/22/87, San Francisco	5915
Alaska Statebank, Anchorage, AK	02/03/89, San Francisco	2963
Aledo State Bank, Aledo, TX	12/07/89, Dallas	4125
Allen Co Bank and Trust Company, Leo, IN	11/22/85, Chicago	2518
Alliance Bancorporation, Anchorage, AK	03/01/90, San Francisco	3952
Alliance Bank, Anchorage, AK	04/21/89, San Francisco	4009
Alliance Bank, N.A., Austin, TX	06/14/90, Dallas	4226
Alliance/Bay Savings Bank, Kenner, LA	08/23/85, Chicago	7522
Allied Oklahoma Bank, N.A., Oklahoma City, OK	04/13/89, Dallas	4005
Alvarado Bank, Richmond, CA	01/25/91, San Francisco	4315
Alvarado National Bank, Alvarado, TX	11/14/91, Dallas	4425
Alvord National Bank, Alvord, TX	03/29/90, Dallas	4172
American Bank & Trust Co., Shreveport, LA	04/11/91, Chicago	4341
American Bank & Trust Company, Baton Rouge, LA	08/02/90, Chicago	4254
American Bank & Trust Company, New York, NY	09/15/76, New York	6333
American Bank and Trust Company, Lafayette, LA	09/26/86, Chicago	2602
American Bank of Arlington, Arlington, TX	03/22/90, Dallas	4169
American Bank of Casper, Casper, WY	01/17/86, San Francisco	6652
American Bank of Commerce, Denver, CO	05/06/87, San Francisco	2683
American Bank of Commerce, Oklahoma City, OK	05/06/92, Dallas	4468
American Bank of Commerce, N.A. Del Rio, TX	08/30/90, Dallas	4264
American Bank of Muskogee, Muskogee, OK	09/01/88, Dallas	2910
American Bank, N.A., Rio Rancho, NM	01/22/91, San Francisco	4313
American City Bank, Los Angeles, CA	02/25/83, San Francisco	2336
American Diversified, Costa Mesa, CA	06/06/88, San Francisco	7576
American Exchange Bank & Trust Co., Norman, OK	08/20/87, Dallas	2720
American Federal/Mid 1st, Anadarko, OK	07/29/88, Dallas	7580
American Interstate Bank, Newport Beach, CA	06/12/92, San Francisco	4499
American National Bank, Tyler, TX	11/10/88, Dallas	2932
American National Bank, Elk City, OK	06/28/90, Dallas	4239
American National Bank of Afton, Afton, WY	10/15/87, San Francisco	5912
American National Bank of Evanston, Evanston, WY	08/20/87, San Francisco	5900
American National Bank of Greenville, Greenville, TX	07/12/90, Dallas	4247
American National Bank of New York, Larchmont, NY	01/24/92, New York	4440
American National Bank of Riverton, Riverton, WY	06/11/85, San Francisco	2470
American Savings Bank, White Plains, NY	06/12/92, New York	4497
American State Bank, Bradley, IL	02/12/83, Chicago	2334
American/FSLA/Colonial, Anderson, IN	04/29/88, Chicago	7572
American/New/Charter, Knoxville, TN	11/16/84, Chicago	7513
American/Security, Biloxi, MS	04/03/84, Dallas	7509
Amoskeag Bank, Manchester, NH	10/10/91, Assisted Bank	4411
Antioch/Great American, Antioch, IL	07/08/83, Chicago	7504
Arizona Commerce Bank, Tucson, AZ	04/12/91, San Francisco	4343
Assured Thrift and Loan Association, San Juan Capistrano, CA	01/03/92, San Francisco	4436
Atlantic National Bank, Norfolk, VA	12/07/89, Chicago	4126
Atlantic Trust Company, Newington, NH	01/30/92, New York	4443
Audubon Financial, New Orleans, LA	06/20/86, Chicago	7535
Bacliff Bank, National Association, Bacliff, TX	06/28/90, Dallas	4237
Balbao National Bank, National City, CA	01/14/88, San Francisco	5922
Banc Texas, Dallas, TX	01/26/90, Dallas	4143
Bancfirst—Austin N.A., Austin, TX	12/10/87, Dallas	2763
Banco Credito Y Ahorro Ponceño, Ponce, PR	03/31/78, New York	2267
Banco de Ahorro, F.S.B., Mayaguez, PR	05/30/86, New York	2564
Banco Economias, San Juan, PR	09/02/77, New York	3259
Banco Nacional, N.A., Hato Rey, PR	01/24/92, New York	4441
Bank Five for Savings, Arlington, MA	09/20/91, New York	4398
Bank M., Miami, FL	06/15/90, Chicago	4231
Bank Meridian, N.A., Hampton, NH	10/10/91, Assisted Bank	4406
Bank of Arlington, Arlington, TX	11/29/90, Dallas	4295
Bank of Aurora, Aurora, CO	05/24/89, San Francisco	5968
Bank of Beverly Hills, Beverly Hills, CA	04/03/92, San Francisco	4472
Bank of Brazoria, Brazoria, TX	07/02/87, Dallas	2705
Bank of Columbia Falls, Columbia Falls, MT	05/30/86, San Francisco	2565
Bank of Commerce, Alexandria, LA	12/13/90, Chicago	4301
Bank of Commerce and Trust Company, Tulsa, OK	05/08/86, Dallas	2556
Bank of Dallas, Dallas, TX	02/05/88, Dallas	2781
Bank of Dixie, Lake Providence, LA	01/10/86, Chicago	2529
Bank of East Hartford, East Hartford, CT	12/13/91, New York	4431
Bank of East Texas, Tyler, TX	06/21/90, Dallas	4233
Bank of Granite, Granite, OK	07/30/87, Dallas	6888
Bank of Herington, Herington, KS	04/02/87, Chicago	2671
Bank of Irvine, Irvine, CA	05/18/84, San Francisco	2389
Bank of Lake Helen, Lake Helen, FL	01/11/80, Chicago	6359
Bank of Lockesburg, Lockesburg, AR	05/31/85, Dallas	2467
Bank of Mabank, Mabank, TX	12/17/87, Dallas	2769

FEDERAL DEPOSIT INSURANCE CORPORATION, ACTIVE INSTITUTIONS IN LIQUIDATION—Continued

[Alpha Listing (Name)]

Institution name, city/state	Date closed, region	Ref. #
Bank of Meeker, Meeker, OK	03/15/90, Dallas	4164
Bank of New England, Boston, MA	01/06/91, Assisted Bank	4309
Bank of Newcastle, Newcastle, OK	05/16/85, Dallas	2463
Bank of North America, Houston, TX	08/27/87, Dallas	5901
Bank of Nortonville, Nortonville, KS	05/01/86, Chicago	2554
Bank of Odesa, Odesa, TX	07/26/90, Dallas	4250
Bank of Oregon, Woodburn, OR	05/31/85, San Francisco	3468
Bank of Quitman, Quitman, AR	11/12/82, Dallas	2330
Bank of South Palm Beaches, Hypoluxo, FL	08/09/91, Chicago	4385
Bank of St. Charles, Saint Rose, LA	11/02/89, Chicago	4113
Bank of the Brandywine Valley, West Chester, PA	02/21/92, New York	4453
Bank of the Hills, Austin, TX	01/31/91, Dallas	4317
Bank of the Northwest, Woodward, OK	11/10/88, Dallas	5952
Bank of the South, Baton Rouge, LA	10/30/91, Chicago	4420
Bank of the West, Austin, TX	03/09/89, Dallas	2970
Bank of Wilson, Wilson, OK	07/26/90, Dallas	4249
Bank of Winter Park, Winter Park, CO	11/10/87, San Francisco	2746
Bankeast, Manchester, NH	10/10/91, Assisted Bank	4409
Banker Trust of Louisiana, N.A., Kenner, LA	03/10/89, Chicago	5961
Barnard State Bank, Bernard, KS	08/03/89, Chicago	4063
Bay City Bank & Trust Co., Bay City, TX	08/30/90, Dallas	4267
Bay Shore Bank of Florida, Miami, FL	08/07/87, Chicago	6894
Beacon Co-Operative Bank, Boston, MA	06/21/91, New York	4370
Bear Creek National Bank, Houston, TX	01/29/87, Dallas	2639
Beaumont Bank-National Assoc., Beaumont, TX	10/19/89, Dallas	4104
Bell Savings Bank, Temple, TX	08/03/85, Dallas	7520
Bennett National Bank, Bennett, CO	07/13/89, San Francisco	5976
Bergen Park National Bank, Evergreen, CO	04/20/90, San Francisco	4187
Birmingham Bloomfield Bank, Birmingham, MI	01/12/71, Chicago	1119
Blackstone Bank & Trust Company, Boston, MA	03/15/91, New York	4333
Bohemian SLA, St. Louis, MO	12/11/87, Chicago	7562
Boleward State Bank, Wichita, KS	02/05/87, Chicago	2642
Bossier Bank and Trust Company, Bossier, LA	06/12/86, Chicago	2566
Boston Trade Bank, Boston, MA	05/03/91, New York	4347
Boundary Waters State Bank, Ely, MN	11/30/90, Chicago	4296
Broadway Bank & Trust Company, Paterson, NJ	03/13/92, New York	4459
Brookfield Bank, Brookfield, CT	05/08/92, New York	4489
Brooklyn Savings Bank, Danielson, CT	10/19/90, New York	4285
Brookwood National Bank, Oklahoma City, OK	06/28/90, Dallas	4241
Brownfield State Bank & Trust Co., Brownfield, TX	02/17/84, Dallas	2375
Brushy Creek National Bank, Round Rock, TX	07/27/89, Dallas	4062
Buchel Bank and Trust, Cuero, TX	08/22/91, Dallas	4389
Buena Vista Bank and Trust Company, Buena Vista, CO	08/28/86, San Francisco	6743
Canyon Lake Bank, Canyon Lake, TX	12/14/89, Dallas	4135
Capistrano National, S Juan Capistrano, CA	04/05/85, San Francisco	2453
Capital Bank, Dallas, TX	05/16/91, Dallas	4355
Capital Bank & Trust, Oklahoma City, OK	08/16/90, Dallas	4259
Capital Bank & Trust Company, Baton Rouge, LA	10/30/87, Chicago	2744
Capital Bank-Northwest, N.A., San Antonio, TX	06/15/89, Dallas	5972
Capital Bank and Trust, N.A. II, Baton Rouge, LA	04/22/88, Chicago	3810
Capital National Bank, Bronx, NY	07/06/90, New York	4244
Capital National Bank, Fort Worth, TX	09/15/88, Dallas	5946
Capitol Bank & Trust Company, Boston, MA	12/28/90, New York	4308
Capitol Federal/Midwest Federal, Mt. Pleasant, IA	05/13/88, Chicago	7574
Cardinal SB/United Federal, Newport, NC	05/13/88, Chicago	7573
Caribank, Dania, FL	12/08/88, Chicago	2941
Carver SLA, Escondido, CA	01/27/89, San Francisco	6932
Cedar Vale State Bank, Cedar Vale, KS	01/21/88, Chicago	2773
Centennial/Citizens Federal, Santa Rosa, CA	04/24/87, San Francisco	7557
Center National Bank, Los Angeles, CA	04/11/86, San Francisco	2550
Central Arizona Bank, Chandler, AZ	04/26/90, San Francisco	4191
Central Arkansas/First FSLA, Conway, AR	11/17/88, Chicago	7588
Central Bank, Meriden, CT	10/18/91, Assisted Bank	4413
Central Bank and Trust of Tulsa, Tulsa, OK	09/11/86, Dallas	2597
Central Dakota Bank, Lehr, ND	12/01/89, Chicago	4123
Central Illinois, Virden, IL	07/25/86, Chicago	7539
Central National Bank, Dallas, TX	04/07/88, Dallas	2803
Central National Bank of New York, New York City, NY	09/10/87, New York	5904
Central National Bank of San Angelo, San Angelo, TX	03/22/90, Dallas	4171
Centre National Bank-Farmers Bank, Farmers Branch, TX	06/21/90, Dallas	4236
Century Bank, Tulsa, OK	03/24/88, Dallas	2800
Centruy Bank, Phoenix, AZ	10/19/89, San Francisco	4105
Century National Bank, Jacksonville, FL	09/20/84, Chicago	2417
Century National Bank, Austin, TX	06/16/88, Dallas	2830
Century National Bank, Houston, TX	10/02/86, Dallas	5754
Century/Household Bank, Roeland Park, KS	06/26/85, Chicago	7519
Champions Point National Bank, Houston, TX	04/05/90, Dallas	4178

FEDERAL DEPOSIT INSURANCE CORPORATION, ACTIVE INSTITUTIONS IN LIQUIDATION—Continued

[Alpha Listing (Name)]

Institution name, city/state	Date closed, region	Ref. #
Chancery National Bank, Denver, CO	05/09/90, San Francisco	4195
Chas Schreiner Bank, Kerrville, TX	04/19/90, Dallas	4186
Cherry Creek National Bank, Denver, CO	08/16/90, San Francisco	4261
Chester State Bank, Chester, TX	11/22/85, Dallas	2517
Chireno State Bank, Chireno, TX	05/09/91, Dallas	4346
Chisholm National Bank, Plano, TX	08/30/90, Dallas	4266
Citadel Bank, Willis, TX	03/21/91, Dallas	4334
Citizens Bank, Bryan, TX	07/02/87, Dallas	2706
Citizens Bank, Galveston, TX	10/12/89, Dallas	4101
Citizens Bank, Clarksville, TX	09/13/90, Dallas	4271
Citizens Bank, Dallas, GA	01/10/92, Chicago	4437
Citizens Bank, Tillar, AR	06/23/82, Dallas	6388
Citizens Bank & Trust, Calvert, TX	03/09/89, Dallas	2972
Citizens Bank Houston, Houston, TX	02/09/89, Dallas	2966
Citizens Bank of Krebs, Krebs, OK	10/08/87, Dallas	5910
Citizens Bank of Littleton, Littleton, CO	09/15/88, San Francisco	2916
Citizens Bank of Monroe County, Tellico Plains, TN	04/27/84, Chicago	2382
Citizens Bank, Houston, Houston, TX	02/09/89, Dallas	2964
Citizens National Bank, Denton, TX	03/07/90, Dallas	4162
Citizens National Bank, El Campo, TX	08/30/90, Dallas	4268
Citizens National Bank, Kerrville, TX	09/14/90, Dallas	4275
Citizens National Bank, Limon, CO	03/29/91, San Francisco	4338
Citizens National Bank, Oklahoma City, OK	08/14/86, Dallas	5737
Citizens National Bank, Colorado Springs, CO	04/21/88, San Francisco	5939
Citizens National Bank & Trust Co. of CH, Chicago, IL	01/29/91, Chicago	4316
Citizens National Bank of Killeen, Killeen, TX	08/17/89, Dallas	4067
Citizens National Bank of Walnut Ridge, Walnut Ridge, AR	02/02/90, Chicago	4148
Citizens SLA/Freedom Federal, Salem, OR	01/29/88, San Francisco	7565
Citizens State Bank, Earth, TX	01/26/89, Dallas	2962
Citizens State Bank, Edgerton, WY	01/04/85, San Francisco	8531
Citizens State Bank, Brownstown, IN	04/10/87, Chicago	6843
Citizens State Bank of El Dorado, El Dorado, KS	07/25/85, Chicago	2484
Citizens State Bank of Fulda, Fulda, MN	02/15/85, Chicago	6543
Citizens State Bank of Galena, Galena, KS	11/21/80, Chicago	2285
Citizens State Bank of St. Francis, St. Francis, KS	05/15/86, Chicago	2559
City and County Bank of Anderson County, Lake City, IN	05/27/83, Chicago	2350
City and County Bank of Jefferson County, White Pines, TN	01/20/84, Chicago	2370
City and County Bank of Knox County, Knoxville, TN	05/27/83, Chicago	2346
City and County Bank Roane County, Kingston, TN	05/27/83, Chicago	2349
City Bank & Trust Claremont, NH	03/29/91, New York	4337
City National Bank, Plainview, TX	03/06/86, Dallas	2540
City National Bank, Houston, TX	08/16/90, Dallas	4260
City National Bank of Irving, Irving, TX	09/20/90, Dallas	4276
City National Bank of Plano, Plano, TX	11/10/89, Dallas	4116
City National Bank of Sayre, Sayre, OK	12/13/89, Dallas	4133
Citytrust, Bridgeport, CT	08/09/91, Assisted Bank	4382
Clifton National Bank, Clifton, TX	06/07/90, Dallas	4222
Collin County State Bank, Melissa, TX	02/25/88, Dallas	2789
Colonial Thrift & Loan Association, Culver City, CA	04/15/88, San Francisco	2806
Colony Savings Bank, Wallingford, CT	02/28/92, New York	4456
Columbia Bank, Avondale, AZ	02/27/92, San Francisco	4455
Columbine Valley Bank & Trust, Jefferson County, CO	04/26/91, San Francisco	4345
Commerce Bank—Plano, Plano, TX	01/07/88, Dallas	5920
Commerce Bank of Tampa, Tampa, FL	02/02/90, Chicago	4149
Commercial State Bank, Houston, TX	01/12/89, Dallas	2953
Commercial State Bank, San Augustine, TX	09/01/88, Dallas	5944
Commonwealth Bank, Torrance, CA	09/25/87, San Francisco	2731
Commonwealth Bank, Arlington, TX	10/05/89, Dallas	5998
Commonwealth National Bank, Dallas, TX	05/10/90, Dallas	4196
Community Bank, New Caney, TX	03/22/90, Dallas	4168
Community Bank and Trust, Rockdale, TX	09/22/88, Dallas	2922
Community Bank, N.A., Decker Prairie, TX	01/26/89, Dallas	5956
Community Guardian Bank, Elmwood Park, NJ	07/19/91, New York	4377
Community National Bank, Glastonbury, CT	01/11/91, New York	4312
Community National Bank, Sherman, TX	04/18/91, Dallas	4344
Community National Bank & Trust Co of NY, New York City, NY	11/08/91, New York	4423
Community State Bank of Onalaska, Onalaska, TX	03/01/90, Dallas	4159
Community/Horizon Financial, Baton Rouge, LA	06/20/86, Chicago	7533
Connecticut Bank & Trust Co., N.A., Hartford, CT	01/06/91, Assisted Bank	4310
Connecticut Savings Bank, New Haven, CT	11/14/91, Assisted Bank	4424
Connecticut Valley Bank, Cromwell, CT	10/18/91, New York	4414
Consolidated SB, Irvine, CA	08/29/86, San Francisco	7542
Continental Bank, Dallas, TX	07/26/90, Dallas	4251
Continental III National Bank & Trust C, Chicago, IL	07/26/84, Chicago	2402
Continental National Bank, San Antonio, TX	04/20/89, Dallas	4008
Coolidge Bank & Trust Company, Boston, MA	10/25/91, New York	4417
Coolidge Corner Co-Operative Bank, Brookline, MA	03/14/91, New York	4332

FEDERAL DEPOSIT INSURANCE CORPORATION, ACTIVE INSTITUTIONS IN LIQUIDATION—Continued

[Alpha Listing (Name)]

Institution name, city/state	Date closed, region	Ref. #
Cordell National Bank, Cordell, OK	12/05/86, Dallas	5779
Corinth Deposit National Bank, Corinth, KY	04/19/90, Chicago	4181
Cove State Bank, Copperas Cove, TX	04/19/90, Dallas	4185
Creditbank, Coral Gables, FL	01/26/90, Chicago	4145
Crescent City Bank and Trust Co., New Orleans, LA	12/15/88, Chicago	2942
Crescent/Horizon Financial, New Orleans, LA	06/20/86, Chicago	7532
Crofton State Bank, Crofton, NE	12/03/87, Chicago	2754
Crossland Savings, Brooklyn, NY	01/24/92, New York	4442
Crossroads Bank, Victoria, TX	03/14/91, Dallas	4331
Crown Bank, National Association, San Antonio, TX	03/29/90, Dallas	4174
CY Fair Bank, Houston, TX	04/14/88, Dallas	5936
Cypress SA/SECOR Bank, Plantation, FL	11/10/88, Chicago	7586
Danbury Bank, Danbury, TX	08/21/86, Dallas	2593
Dartmouth Bank, Manchester, NH	10/10/91, Assisted Bank	4410
Dollar Dry Dock, White Plains, NY	02/21/92, Assisted Bank	4451
Dominion National Bank, Denver, CO	05/10/90, San Francisco	4199
Douglas County National Bank, Parker, CO	12/06/90, San Francisco	4297
Dripping Springs National Bank, Dripping Springs, TX	07/12/91, Dallas	4372
Durham Trust Company, Durham, NH	11/15/91, New York	4427
East Tenn/New/Charter, Knoxville, TN	11/16/84, Chicago	7512
East Texas Bank & Trust Company, Longview, TX	06/29/84, Dallas	2398
East Texas State Bank, Buna, TX	11/17/88, Dallas	2934
Eddy County National Bank, Carlsbad, NM	04/03/86, San Francisco	2547
Eden State Bank, Eden, TX	07/28/86, Dallas	2583
Eliot Savings Bank, Boston, MA	06/29/90, New York	4242
Empire, Mesquite, TX	03/14/84, Dallas	7508
Empire National Bank, Los Angeles, CA	07/30/87, San Francisco	5891
Empire State Bank, New York, NY	07/28/89, New York	5980
Enfield National Bank, Enfield, CT	08/16/91, New York	4386
Enterprise Bank of Florida, Miami, FL	03/17/89, Chicago	2978
Equitable SLA/Empire, San Manteo, CA	03/27/87, San Francisco	7553
Eskridge State Bank, Eskridge, KS	07/18/85, Chicago	2478
Everman National Bank of Fort Worth, Fort Worth, TX	03/30/90, Dallas	4175
Exchange National Bank of Del City, Del City, OK	06/14/90, Dallas	4229
Executive Center Bank, Dallas, TX	02/14/86, Dallas	5660
Executive National Bank, San Antonio, TX	11/16/89, Dallas	4119
Expressway Bank, Oklahoma City, OK	03/12/87, Dallas	2661
Fairfield County Trust Company, Stamford, CT	04/09/92, New York	4474
Fallbrook National Bank, Houston, TX	07/20/89, Dallas	5978
Far Western Bank, Tustin, CA	12/14/90, San Francisco	4307
Farmer's Bank, Trimble, TN	07/18/86, Chicago	2579
Farmers & Merchants Bank, Buckeye, AZ	06/18/90, San Francisco	4232
Farmers & Merchants Bank, Tryon, OK	03/19/92, Dallas	4465
Farmers & Merchants Bank of Huntsville, Huntsville, MO	03/28/86, Chicago	6672
Farmers & Merchants State Bank of Rush C, La Crosse, KS	11/21/85, Chicago	6630
Farmers and Merchants Bank, Eufaula, OK	07/23/87, Dallas	2709
Farmers Bank and Trust, Winchester, TN	01/06/84, Chicago	2369
Farmers SLA, Davis, CA	07/18/88, San Francisco	7578
Farmers State Bank, Leuders, TX	12/19/86, Dallas	2627
Farmers State Bank, Madisonville, TX	11/29/90, Dallas	4293
Farmers State Bank, Maddock, ND	05/08/87, Chicago	6858
Farmers State Bank of Brookshire, Brookshire, TX	05/24/90, Dallas	4204
Farmers State Bank of Dexter, KS, Dexter, KS	06/20/85, Chicago	6577
Farmers State Bank of Schulenburg, Schulenburg, TX	03/08/90, Dallas	4161
Farmers State Bank of Shiro, Texas, Shiro, TX	01/25/90, Dallas	4142
Farmers State Bank of Yuma, Yuma, CO	08/24/89, San Francisco	4071
Federal Finance & Mortgage, LTD, Honolulu, HI	12/13/91, San Francisco	4435
Federated National Bank, Live Oak, TX	02/12/87, Dallas	5810
Fidelity Bank, Scottsdale, AZ	07/21/89, San Francisco	4059
Fidelity Bank of Denver, Denver, CO	03/29/85, San Francisco	2451
Fidelity Bank, N.A., San Antonio, TX	01/26/90, Dallas	4146
Financial Center Bank, N.A., San Francisco, CA	05/04/92, San Francisco	4483
First Acadiana Bank, Eunice, LA	12/14/89, Chicago	4134
First American Bank, San Antonio, TX	06/08/89, Dallas	5971
First American Bank and Trust, West Palm Beach, FL	12/15/89, Chicago	4137
First American Bank and Trust of Baytown, Baytown, TX	03/10/89, Dallas	2793
First American Bank and Trust of Friends, Friendswood, TX	03/10/88, Dallas	5930
First American Bank and Trust of Marvel, Marvel, TX	03/10/88, Dallas	5931
First American Bank for Savings, Boston, MA	10/19/90, New York	4286
First Bank, Balch Springs, TX	08/11/88, Dallas	2891
First Bank, Colorado Springs, CO	10/06/89, San Francisco	4100
First Bank & Trust, Bryan, TX	02/09/89, Dallas	2965
First Bank & Trust Co., Duncan, OK	12/08/88, Dallas	2940
First Bank & Trust Company, Yale, OK	08/03/89, Dallas	4064
First Bank & Trust Company, Cedar Hill, TX	04/05/90, Dallas	4177
First Bank and Trust, Tomball, TX	03/31/88, Dallas	2801
First Bank and Trust Company, Booker, TX	12/18/86, Dallas	6782

FEDERAL DEPOSIT INSURANCE CORPORATION, ACTIVE INSTITUTIONS IN LIQUIDATION—Continued

[Alpha Listing (Name)]

Institution name, city/state	Date closed, region	Ref. #
First Bank and Trust of Idaho, Malad City, ID	05/09/86, San Francisco	2558
First Bank National Association, Cleveland, OH	03/09/90, Chicago	4163
First Bank of Plano, Plano, TX	08/30/90, Dallas	4262
First Bank of Rowlett, Rowlett, TX	03/23/89, Dallas	2979
First Bank Pineville, Pineville, LA	12/08/89, Chicago	4131
First Bankers Trust of Bossier City, Bossier City, LA	09/14/89, Chicago	5989
First Capitol Bank, West Columbia, TX	07/28/88, Dallas	5941
First Citizens Bank, Dallas, TX	08/08/86, Dallas	2589
First City Bank, Glendale, CA	12/20/85, San Francisco	2526
First City Bank, New Orleans, LA	05/17/91, Chicago	4356
First City Bank, N.A., Oklahoma City, OK	06/21/85, Dallas	2474
First City-National Bank & Trust Company, New York, NY	12/20/89, New York	4138
First Comanche Bank, Comanche, TX	09/20/90, Dallas	4278
First Commerce National Bank, Phoenix, AZ	12/07/89, San Francisco	4128
First Commercial Bank of Florida, Boca Raton, FL	12/14/90, Chicago	4304
First Commercial Bank of Hawkins County, Rogersville, TN	08/12/83, Chicago	2358
First Community Bank of Cherokee, Woodstock, GA	03/31/92, Chicago	4470
First Consolidated Bank—Buda, N.A., Buda, TX	10/20/89, Dallas	4108
First Consolidated Bank—Ferris, Ferris, TX	10/20/89, Dallas	4106
First Consolidated Bank—Hillsboro, N.A., Hillsboro, TX	10/20/89, Dallas	4107
First Consolidated Bank—Pleasant Run, Lancaster, TX	10/20/89, Dallas	4110
First Consolidated Bank—Rosebud, N.A., Rosebud, TX	10/20/89, Dallas	4109
First Continental Bk & Tr Co of Del City, Del City, OK	05/11/84, Dallas	6479
First Continental National Bank, Houston, TX	02/15/89, Dallas	5957
First Eastern Bank and Trust Co., New Orleans, LA	05/24/89, Chicago	4022
First Enterprise Bank, Oakland, CA	04/26/85, San Francisco	6599
First Exchange Bank of Cape Girardeau, Cape Girardeau, MO	05/07/92, Chicago	4484
First Exchange Bank of Madison County, Fredericktown, MO	05/07/92, Chicago	4486
First Exchange Bank of North St. Louis C, Florissant, MO	05/07/92, Chicago	4485
First Exchange Bank of St. Louis, St. Louis, MO	05/07/92, Chicago	4488
First Federal MD/Columbia 1st, Hagerstown, MD	03/20/87, Chicago	7552
First Federal SLA, Shawnee, OK	04/08/88, Dallas	7571
First Federal/Home SA, Beloit, KS	02/27/87, Chicago	7550
First Financial, New Albany, MS	01/27/89, Chicago	6931
First FSLA/Security, Paducah, KY	03/11/88, Chicago	7568
First Hanover Bank, Wilmington, NC	10/25/91, Chicago	4419
First Houston Bank N.A., Houston, TX	02/11/88, Dallas	5926
First Industrial Bank, Rocky Ford, CO	12/16/88, San Francisco	2948
First Intercounty Bank and Trust Co. of New York City, NY	03/10/88, New York	5933
First Interstate Bank of Alaska, Anchorage, AK	12/11/87, San Francisco	2766
First Marine Bank of Florida, Palm City, FL	03/08/91, Chicago	4329
First Mexia Bank, Mexia, TX	09/22/91, Dallas	4388
First Mutual Bank for Savings, Boston, MA	06/28/91, New York	4371
First National Bank, Willows, CA	11/20/86, San Francisco	2619
First National Bank, Purcell, OK	07/26/90, Dallas	4252
First National Bank, Snyder, TX	05/07/84, Dallas	5476
First National Bank, Covington, LA	11/18/88, Chicago	5953
First National Bank and Trust Company, Blackwell, OK	08/29/91, Dallas	4391
First National Bank at Oswego, Oswego, KS	05/18/89, Chicago	4019
First National Bank in Center, Center, TX	12/15/88, Dallas	2943
First National Bank in Kaufman, Kaufman, TX	02/07/91, Dallas	4322
First National Bank of Atascocita, Harris (Humble), TX	09/01/88, Dallas	2912
First National Bank of Borger, Borger, TX	06/19/86, Dallas	2568
First National Bank of Cedar Hill, Cedar Hill, TX	05/16/91, Dallas	4354
First National Bank of Cedar Park, Cedar Park, TX	01/19/89, Dallas	2957
First National Bank of Colbert, Colbert, OK	02/08/90, Dallas	4150
First National Bank of Corpus Christi, Corpus Christi, TX	08/09/90, Dallas	4256
First National Bank of Crosby, Crosby, ND	09/13/90, Chicago	4273
First National Bank of Del City, Del City, OK	03/25/88, Dallas	5934
First National Bank of Desoto, Desoto, TX	05/10/90, Dallas	4198
First National Bank of East Baton Rouge, Baton Rouge, LA	05/04/89, Chicago	4013
First National Bank of Frisco, Frisco, TX	12/07/89, Dallas	4127
First National Bank of Garland, Garland, TX	03/29/90, Dallas	4173
First National Bank of Gaylord, Gaylord, KS	10/25/84, Chicago	2428
First National Bank of Grand Saline, Grand Saline, TX	05/10/90, Dallas	4197
First National Bank of Jackson, Jackson, TN	10/25/90, Chicago	4288
First National Bank of Kennedale, Kennedale, TX	09/13/90, Dallas	4270
First National Bank of Kingwood, Kingwood, TX	05/26/88, Dallas	2820
First National Bank of Lincoln Co., Ruidoso, NM	12/13/85, San Francisco	2522
First National Bank of Miami, Miami, FL	11/26/91, Chicago	4428
First National Bank of Nocona, Nocona, TX	04/06/89, Dallas	4002
First National Bank of Oak Lawn, Oak Lawn, IL	04/29/83, Chicago	2344
First National Bank of Richardson, Richardson, TX	06/30/89, Dallas	4031
First National Bank of Rifle, Rifle, CO	08/21/86, San Francisco	5741
First National Bank of Rowlett, Rowlett, TX	12/07/90, Dallas	4298
First National Bank of Sheridan, Sheridan, WY	07/17/86, San Francisco	2577
First National Bank of Teague, Teague, TX	11/14/85, Dallas	5629

FEDERAL DEPOSIT INSURANCE CORPORATION, ACTIVE INSTITUTIONS IN LIQUIDATION—Continued

[Alpha Listing (Name)]

Institution name, city/state	Date closed, region	Ref. #
First National Bank of Temple, Temple, OK	11/14/86, Dallas	5771
First National Bank of Vail, Vail, CO	10/05/89, San Francisco	5999
First National Bank of Weslaco, Weslaco, TX	02/20/87, Dallas	5815
First National Bank of Bedford, Bedford, TX	10/24/91, Dallas	4416
First National Bank of Northeast, Austin, TX	05/03/90, Dallas	4192
First National Bank in Cordell, Cordell, OK	07/02/86, Dallas	5727
First Pacific Bank, Beverly Hills, CA	08/10/90, San Francisco	4258
First Peoples Bank of Washington County, Johnson City, TN	07/29/83, Chicago	2355
First Progressive Bank, Metairie, LA	01/17/86, Chicago	2530
First Republic Bank, A&M, A&M, TX	07/29/88, Assisted Bank	2851
First Republic Bank, Abilene, N.A., Abilene, TX	07/29/88, Assisted Bank	2852
First Republic Bank, Austin, N.A., Austin, TX	07/29/88, Assisted Bank	2848
First Republic Bank, Brownwood, N.A., Brownwood, TX	07/29/88, Assisted Bank	2853
First Republic Bank, Cleburne, N.A., Cleburne, TX	07/29/88, Assisted Bank	2854
First Republic Bank, Clifton, (SB), Clifton, TX	07/29/88, Assisted Bank	2855
First Republic Bank, Conroe, N.A., Conroe, TX	07/29/88, Assisted Bank	2856
First Republic Bank, Corsicana, N.A., Corsicana, TX	07/29/88, Assisted Bank	2857
First Republic Bank, Dallas, N.A., Dallas, TX	07/29/88, Assisted Bank	2846
First Republic Bank, Denison, N.A., Denison, TX	07/29/88, Assisted Bank	2858
First Republic Bank, El Paso, N.A., El Paso, TX	07/29/88, Assisted Bank	2859
First Republic Bank, Ennis, N.A., Ennis, TX	07/29/88, Assisted Bank	2860
First Republic Bank, Forney, (SB), Forney, TX	07/29/88, Assisted Bank	2861
First Republic Bank, Fort Worth, N.A., Fort Worth, TX	07/29/88, Assisted Bank	2849
First Republic Bank, Galveston, N.A., Galveston, TX	07/29/88, Assisted Bank	2863
First Republic Bank, Greenville, N.A., Greenville, TX	07/29/88, Assisted Bank	2864
First Republic Bank, Harlingen, N.A., Harlingen, TX	07/29/88, Assisted Bank	2865
First Republic Bank, Henderson, N.A., Henderson, TX	07/29/88, Assisted Bank	2866
First Republic Bank, Hillsboro, (SB), Hillsboro, TX	07/29/88, Assisted Bank	2867
First Republic Bank, Houston, N.A., Houston, TX	07/29/88, Assisted Bank	2847
First Republic Bank, Jefferson County, (SB), Jefferson County, TX	07/29/88, Assisted Bank	2868
First Republic Bank, Lubbock, N.A., Lubbock, TX	07/29/88, Assisted Bank	2869
First Republic Bank, Lufkin, (SB), Lufkin, TX	07/29/88, Assisted Bank	2870
First Republic Bank, Malakoff, (SB), Malakoff, TX	07/29/88, Assisted Bank	2871
First Republic Bank, Midland, N.A., Midland, TX	07/29/88, Assisted Bank	2872
First Republic Bank, Mineral Wells, N.A., Mineral Wells, TX	07/29/88, Assisted Bank	2873
First Republic Bank, Mt. Pleasant, N.A., Mt. Pleasant, TX	07/29/88, Assisted Bank	2874
First Republic Bank, Odessa, N.A., Odessa, TX	07/29/88, Assisted Bank	2875
First Republic Bank, Paris, (SB), Paris, TX	07/29/88, Assisted Bank	2876
First Republic Bank, Plano, N.A., Plano, TX	07/29/88, Assisted Bank	2877
First Republic Bank, Richmond, N.A., Richmond, TX	07/29/88, Assisted Bank	2878
First Republic Bank, San Antonio, N.A., San Antonio, TX	07/29/88, Assisted Bank	2850
First Republic Bank, Stephenville, N.A., Stephenville, TX	07/29/88, Assisted Bank	2879
First Republic Bank, Temple, N.A., Temple, TX	07/29/88, Assisted Bank	2880
First Republic Bank, Tyler, N.A., Tyler, TX	07/29/88, Assisted Bank	2881
First Republic Bank, Victoria, (SB), Victoria, TX	07/29/88, Assisted Bank	2882
First Republic Bank, Waco, N.A., Waco, TX	07/29/88, Assisted Bank	2883
First Republic Bank, Wichita Falls, N.A., Wichita Falls, TX	07/29/88, Assisted Bank	2885
First Republic Bank, Williamson County, Williamson County, TX	07/29/88, Assisted Bank	2884
First Republic/NCNB Residual Asset Pool, Addison, TX	11/08/92, Assisted Bank	3958
First SA of East Texas, Houston, TX	01/15/88, Dallas	7563
First Security Bank, Roanoke, VA	05/24/91, Chicago	4361
First Security Bank & Trust Co., Haughton, LA	10/26/89, Chicago	4112
First Security Bank of Anaconda, Anaconda, MT	03/16/92, San Francisco	4460
First Security Bank of Glendive, Glendive, CO	12/01/89, San Francisco	4124
First Security Bank of North Arkansas, Horseshoe Bend, AR	08/27/82, Dallas	2318
First Service Bank for Savings, Leominster, MA	03/31/89, New York	5963
First Sierra Bank, Bishop, CA	01/23/87, San Francisco	6796
First SLA/Colonial, Burkburnett, TX	01/16/87, Dallas	7547
First South/Riverside Federal, Pine Bluff, AR	12/04/86, Chicago	7545
First Southern/Magnolia, Pascagoula, MS	03/20/87, Chicago	7551
First State Bank, White Cloud, KS	03/27/86, Chicago	2542
First State Bank, Milford, TX	06/11/87, Dallas	2695
First State Bank, Harper, TX	01/12/89, Dallas	2950
First State Bank Rogers, TX	03/23/89, Dallas	2981
First State Bank, Deanville, TX	04/20/89, Dallas	4007
First State Bank, Liberty, TX	08/17/89, Dallas	4066
First State Bank, Pflugerville, TX	08/24/89, Dallas	4069
First State Bank, Lexington, OK	12/13/90, Dallas	4303
First State Bank, Weimar, TX	04/04/91, Dallas	4339
First State Bank, Bangs, TX	01/24/92, Dallas	4439
First State Bank, Blanchard, OK	08/13/87, Dallas	6896
First State Bank and Trust of Edinburg, Edinburg, TX	5/23/86, Dallas	2561
First State Bank of Bovina, Bovina, TX	10/22/87, Dallas	2740
First State Bank of Crandall, Crandall, TX	04/19/90, Dallas	4183
First State Bank of McKinney, McKinney, TX	08/17/89, Dallas	4068
First State Bank of Regent, Regent, ND	02/22/90, Chicago	4154
First State Bank of Rising Star, Rising Star, TX	09/20/90, Dallas	4277

FEDERAL DEPOSIT INSURANCE CORPORATION, ACTIVE INSTITUTIONS IN LIQUIDATION—Continued

[Alpha Listing (Name)]

Institution name, city/state	Date closed, region	Ref. #
First State Bank of Saginaw, Saginaw, TX	04/16/87, Dallas	2677
First State Bank of Texas, Duncanville, TX	01/26/89, Dallas	2961
First Trust Bank of Lakefield, Lakefield, MN	05/31/85, Chicago	6568
First-Taylor National Bank, Taylor, TX	05/17/90, Dallas	4201
Florida Center Bank, Orlando, FL	04/18/86, Chicago	2551
Florida State Bank, Holiday, FL	05/24/91, Chicago	4360
Flower Mound Bank, Flower Mound, TX	03/02/88, Dallas	2792
Forestwood National Bank of Dallas, Dallas, TX	07/27/89, Dallas	5979
Fort Worth State Bank, Fort Worth, TX	09/27/90, Dallas	4279
Fountain Bank, Scottsdale, AZ	01/31/92, San Francisco	4445
Freedom National Bank of New York, New York, NY	11/09/90, New York	4292
Frontier/1st Federal, Fairbanks, AK	06/12/87, San Francisco	7558
Fulshear State Bank, Fulshear, TX	06/08/89, Dallas	5969
Future SLA/Williamsburg, Albany, OR	04/10/87, San Francisco	7554
Galena Park State Bank, Galena Park, TX	08/11/88, Dallas	2890
Garden Community Bank, Garden Grove, CA	06/01/84, San Francisco	2392
Gateway National Bank, Phoenix, AZ	02/15/90, San Francisco	4153
Gentry County Bank, Albany, MO	05/24/90, Chicago	4205
Girod Trust Company, San Juan, PR	08/16/84, New York	2407
Global Bank of Miami, Hialeah, FL	02/12/88, Chicago	2785
Golden Pacific National Bank, New York, NY	06/21/85, New York	5580
Golden Valley Bank, Turlock, CA	03/22/85, San Francisco	2450
Goldome, Buffalo, NY	05/31/91, Assisted Bank	4363
Grand Canyon State Bank, Scottsdale, AZ	05/19/89, San Francisco	5967
Granite Co-Operative Bank, Quincy, MA	12/12/91, New York	4430
Great Western National Bank, Lewisville, TX	09/27/90, Dallas	4280
Greater Texas Bank Leander, Leander, TX	05/04/89, Dallas	4014
Greater Texas Bank, North, N.A., Austin, TX	11/30/89, Dallas	4121
Greater Texas Bank, Southwest, Austin, TX	11/30/89, Dallas	4122
Guaranty Bank, Dallas, TX	06/02/88, Dallas	2825
Guaranty Bond State Bank, Red Water, TX	07/28/82, Dallas	2315
Guaranty Federal, Casper, NY	12/12/86, San Francisco	7546
Guaranty/Guaranty FSLA, Harrison, AR	12/06/85, Chicago	7524
Guaranty/Olympic Savings Bank, Longview, WA	03/21/86, San Francisco	7528
Guardian Bank, Scottsdale, AZ	04/26/90, San Francisco	4190
Guardian Bank N.A., Hempstead, NY	06/21/89, New York	5973
Harbor National Bank of Connecticut, Branford, CT	10/03/91, New York	4403
Harris County Bank, N.A., Houston, TX	02/25/88, Dallas	5927
Hayesville Savings Bank, Hayesville, IA	03/10/88, Chicago	5932
Hays State Bank, Hays, KS	02/04/86, Chicago	2621
Heights Bank, Harker Heights, TX	12/07/90, Dallas	4299
Helotes State Bank, Helotes, TX	06/15/89, Dallas	4026
Hereford State Bank, Hereford, CO	08/24/84, San Francisco	6505
Heritage Bank, Anaheim, CA	03/16/84, San Francisco	6465
Heritage Bank and Trust, Salt Lake, UT	04/28/87, San Francisco	6852
Heritage National Bank, Richardson, TX	09/25/86, Dallas	2601
Heritage National Bank, Austin, TX	12/10/87, Dallas	2764
Hidalgo County Bank & Trust, Mercedes, TX	07/26/89, Dallas	4060
Hillsborough Bank & Trust Company, Milford, NH	08/30/91, New York	4392
Hilton Head Bank & Trust Company, N.A., Hilton Head Island, SC	08/30/91, Chicago	4394
Hobby Community Bank, Hobby, TX	06/29/89, Dallas	4030
Hohenwald Bank and Trust Company, Hohenwald, TN	09/03/82, Chicago	6399
Home National Bank of Milford, Milford, MA	06/01/90, New York	4211
Home Savings Bank, Brooklyn, NY	12/31/85, New York	3533
Home State Bank, Trent, TX	04/07/88, Dallas	5935
Home State Bank, Longton, Kansas, Longton, KS	06/04/92, Chicago	4495
Homestead/Midfirst SLA, Woodward, OK	10/10/86, Dallas	7544
Houston Commerce Bank, Houston, TX	01/28/88, Dallas	5924
Huffman Bank, Huffman, TX	02/15/90, Dallas	4151
Hulen National Bank, Fort Worth, TX	06/07/90, Dallas	4221
Imperial Bank, Coral Gables, FL	03/30/90, Chicago	4176
Independence Bank, Los Angeles, CA	01/30/92, San Francisco	4446
Independence Bank, Plano, TX	03/19/92, Dallas	4462
Independent Bank—East N.A., Rockwall, TX	06/30/89, Dallas	5974
Independent Bank, N.A., Coppell, TX	07/14/89, Dallas	5977
Independent National Bank, Phoenix, AZ	03/15/90, San Francisco	4166
Independent National Bank, Covina, CA	10/09/86, San Francisco	5757
Indian Springs State Bank, Kansas City, KS	01/27/84, Chicago	6455
Industrial Bank, Houston, TX	03/23/89, Dallas	2980
Ingram State Bank, Ingram, TX	09/14/90, Dallas	4274
Intercapital/Great Western, Jacksonville, FL	02/14/86, Chicago	7526
Interstate Bank of Commerce, Miami, FL	03/31/89, Chicago	5965
Investors SLA/Midwest Fed, El Reno, OK	03/25/88, Dallas	7569
Iona Savings Bank, Tilton, NH	10/11/91, New York	4405
Iredell State Bank, Iredell, TX	07/12/90, Dallas	4246
Island Bank, South Padre Island, TX	03/16/89, Dallas	2976
Jackson Exchange Bank and Trust Company, Jackson, MO	05/07/92, Chicago	4487

FEDERAL DEPOSIT INSURANCE CORPORATION, ACTIVE INSTITUTIONS IN LIQUIDATION—Continued

[Alpha Listing (Name)]

Institution name, city/state	Date closed, region	Ref. #
John Sevier/New/Charter, Sevierville, TN.....	11/16/84, Chicago.....	7511
Kansas American Bank, Overland Park, KS.....	07/25/85, Chicago.....	2483
Katy National Bank, Katy, TX.....	05/04/89, Dallas.....	4012
Kempton State Bank, Kempton, IL.....	02/07/92, Chicago.....	4447
Key SLA/Commerical Federal, Englewood, CO.....	11/18/88, Dallas.....	7589
Kirby State Bank, San Antonio, TX.....	09/14/89, Dallas.....	5991
Knox FSLA/New/Charter, Knoxville, TN.....	11/16/84, Chicago.....	7517
La Marque Bank, La Marque, Tx.....	09/10/87, Dallas.....	2723
La Salle State Bank, La Salle, La.....	09/07/89, Chicago.....	5987
Lago Vista National Bank, Lago Vista, TX.....	12/18/86, Dallas.....	5781
Lake Austin National Bank, Austin, TX.....	05/21/87, Dallas.....	2691
Lake Country National Bank, Burnet, TX.....	06/08/89, Dallas.....	5970
Lakeland State Bank, Pequot Lakes, MN.....	12/19/86, Chicago.....	2626
Lakeland State Bank, Austin, TX.....	06/21/90, Dallas.....	4235
Lakeway National Bank, Austin, TX.....	03/09/89, Dallas.....	2971
Landmark Bank for Savings, Whitman, MA.....	06/12/92, New York.....	4496
Landmark Bank of Fort Worth, Fort Worth, TX.....	02/06/92, Dallas.....	4448
Landmark National Bank, Denver, CO.....	12/18/86, San Francisco.....	2625
Landmark Thrift & Loan Association, San Diego, CA.....	07/12/91, San Francisco.....	4373
Larue Federal SLA, Hodgenville, KY.....	06/03/88, Chicago.....	7575
Lexington State Bank, Lexington, TX.....	05/11/89, Dallas.....	4015
Liberty Bank, Houston, TX.....	30/05/87, Dallas.....	2655
Liberty Bank, Phoenix, AZ.....	09/01/89, San Francisco.....	5986
Liberty Bank & Trust Company, Warsaw, IN.....	10/03/88, Chicago.....	2925
Liberty City State Bank, Kilgore, TX.....	03/15/90, Dallas.....	4165
Liberty Federal, Raton, NM.....	10/07/88, Dallas.....	7584
Liberty National Bank, Dallas, TX.....	05/25/89, Dallas.....	4023
Liberty National Bank, Lovington, NM.....	05/23/91, San Francisco.....	4359
Liberty SLA, Leesville, LA.....	04/24/87, Dallas.....	7556
Life Savings/TCF Banking, Beloit, KS.....	02/27/87, Chicago.....	7549
Livingston Bank, Denham Springs, LA.....	03/16/87, Chicago.....	2974
Lockhart State Bank, Lockhart, TX.....	02/07/91, Dallas.....	4321
Lone Star Bank, Baytown, TX.....	05/26/88, Dallas.....	2819
Lone State National Bank, Dallas, TX.....	11/02/90, Dallas.....	4291
Louisiana Bank and Trust Company, Crowley, LA.....	12/10/87, Chicago.....	2760
Louisiana Bank and Trust Company, Shreveport, LA.....	02/16/89, Chicago.....	2967
Love Field National Bank, Dallas, TX.....	11/16/88, Dallas.....	4118
Lowell Institution for Savings, Lowell, MA.....	08/30/91, New York.....	4393
Madison National Bank, Washington, DC.....	05/10/91, Chicago.....	4352
Madison National Bank of Virginia, McLean, VA.....	05/10/91, Chicago.....	4353
Maine National Bank, Portland, ME.....	01/06/91, Assisted Bank.....	4311
Maine Savings Bank, Portland, ME.....	02/01/91, Assisted Bank.....	4320
Mainland, Houston, TX.....	04/04/86, Dallas.....	7529
Malden Trust Company Malden, MA.....	05/15/92, New York.....	4490
Manhattan Beach Savings, Manhattan Beach, CA.....	02/10/89, San Francisco.....	6933
Manila Bank Los Angeles, CA.....	03/08/91, San Francisco.....	4330
Manning/St. Paul FSLA, Chicago, IL.....	02/03/83, Chicago.....	7503
Market National Bank, Denver, Co.....	02/05/87, San Francisco.....	5906
Marlin National Bank, Marlin, TX.....	05/14/87, Dallas.....	2686
Marshall County Bank, Britton, SD.....	08/19/88, Chicago.....	5943
Mayfair Bank, Chicago, IL.....	06/04/92, Chicago.....	4494
Mbank—Abilene, Abilene, TX.....	03/29/89, Assisted Bank.....	5962
Mbank—Alamo, San Antonio, San Antonio, TX.....	03/29/89, Assisted Bank.....	4000
Mbank—Austin, Austin, TX.....	03/29/89, Assisted Bank.....	2982
Mbank—Brenham, Brenham, TX.....	03/29/89, Assisted Bank.....	2983
Mbank—Corsicana, Corsicana, TX.....	03/29/89, Assisted Bank.....	2984
Mbank—Dallas, Dallas, TX.....	03/29/89, Assisted Bank.....	2985
Mbank—Denton County, Denton County, TX.....	03/29/89, Assisted Bank.....	2986
Mbank—Fort Worth, Fort Worth, TX.....	03/29/89, Assisted Bank.....	2989
Mbank—Greenville, Greenville, TX.....	03/29/89, Assisted Bank.....	2987
Mbank—Houston, Houston, TX.....	03/29/89, Assisted Bank.....	2988
Mbank—Jefferson City, Jefferson City, TX.....	03/29/89, Assisted Bank.....	2989
Mbank—Longview, Longview, TX.....	03/29/89, Assisted Bank.....	2990
Mbank—Marshall, Marshall, TX.....	03/29/89, Assisted Bank.....	2991
Mbank—Mid Cities, Mid Cities, TX.....	03/29/89, Assisted Bank.....	2992
Mbank—Odessa, Odessa, TX.....	03/29/89, Assisted Bank.....	2993
Mbank—Orange, Orange, TX.....	03/29/89, Assisted Bank.....	2994
Mbank—Round Rock, Round Rock, TX.....	03/29/89, Assisted Bank.....	2995
Mbank—Sherman, Sherman, TX.....	03/29/89, Assisted Bank.....	2996
Mbank—Wichita Falls, Wichita Falls, TX.....	03/29/89, Assisted Bank.....	2997
Mbank—Woodlands, Woodlands, TX.....	03/29/89, Assisted Bank.....	2998
McCune State Bank, McCune, KS.....	07/23/86, Chicago.....	2581
McAllen State Bank, McAllen, TX.....	04/19/88, Dallas.....	2807
McNulty Banking Company, St. Petersburg, FL.....	08/14/87, Chicago.....	2719
Mechanics & Farmer Savings Bank, FSB, Bridgeport, CT.....	08/09/91, Assisted Bank.....	4383
Medcentre Bank, N.A., San Antonio, TX.....	09/14/89, Dallas.....	5992
Medical Center State Bank, Oklahoma City, OK.....	10/27/88, Dallas.....	2930

FEDERAL DEPOSIT INSURANCE CORPORATION, ACTIVE INSTITUTIONS IN LIQUIDATION—Continued

[Alpha Listing (Name)]

Institution name, city/state	Date closed, region	Ref. #
Memorial Bank, National Association, Houston, TX	05/24/90, Dallas	4207
Mercantile Bank, San Antonio, TX	06/30/88, Assisted Bank	2839
Merchant National Bank, Fort Myers, FL	02/07/92, Chicago	4449
Merchants Bank of Boston, A Co-operative, Boston, MA	05/18/90, New York	4202
Merchants Marine Bank, Port Isabel, TX	03/16/89, Dallas	2975
Merchants National Bank, Leominster, MA	12/13/91, New York	4432
Merchants State Bank, Dallas, TX	01/19/89, Dallas	2958
Merchants Trust & Savings Bank, Kenner, LA	02/14/91, Chicago	4323
Metro, Lake Charles, LA	12/03/83, Dallas	7507
Metro Bank, Midland, TX	08/02/83, Dallas	2356
Metropolitan Bank & Trust Company, Baton Rouge, LA	11/07/86, Chicago	2613
Metropolitan Bank and Trust Company, Tampa, FL	02/12/82, Chicago	2298
Metropolitan Bank, N.A., Washington, DC	05/01/92, Chicago	4480
Metropolitan Industrial Bank, Denver, CO	04/15/88, San Francisco	5937
Metropolitan National Bank, McAllen, TX	10/19/90, Dallas	4287
Metropolitan National Bank, Farmers Branch, TX	01/24/91, Dallas	4314
Miami National Bank, Miami, FL	03/22/90, Chicago	4167
Mid State SLA/Kankakee, Champaign, IL	02/24/89, Chicago	6935
Mid-Jersey National Bank, Somerville, NJ	09/20/91, New York	4399
Midcounty Bank and Trust Company, Norwood, MA	09/27/91, New York	4402
Middle Park Bank, Granby, CO	11/10/87, San Francisco	2745
Midlothian National Bank, Midlothian, TX	12/13/89, Dallas	4132
Midway National Bank, Dallas, TX	05/24/90, Dallas	4206
Milford Saving Bank, Milford, MA	07/06/90, New York	4245
Mineral Bank of Nevada, Las Vegas, NV	06/30/83, San Francisco	6433
Mission Valley Bank, N.A., San Clemente, CA	10/18/91, San Francisco	4415
Mission Viejo National Bank, Mission Viejo, CA	02/28/92, San Francisco	4454
Missouri Delta Bank Hayti, MO	08/29/85, Chicago	2494
Moncor Bank, N.A., Hobbs, NM	08/30/85, San Francisco	2495
Moncor Bank, N.A., Roswell, NM	09/12/85, San Francisco	2497
Monroe Savings Bank, FSB, Rochester, NY	01/26/90, New York	4144
Montana FSB, Kalispell, MT	08/16/85, San Francisco	7521
Montgomery County Bank, National Associa, Houston, TX	01/29/87, Dallas	2640
Montgomery National Bank, Rocky Hill, NJ	06/29/90, New York	4243
Moran National Bank, Moran, TX	01/14/88, Dallas	2770
Mountain Ridge State Bank, West Orange, NJ	10/05/90, New York	4282
Mt. Pleasant Bank and Trust Company, Mt. Pleasant, IA	08/06/82, Chicago	2317
Mt. Whitney/Guardian SLA, Exeter, CA	02/26/88, San Francisco	7566
Mt. Zion State Bank, Mt. Zion, IL	11/04/88, Chicago	5950
Nashua Trust Company, Nashua, NH	10/10/91, Assisted Bank	4407
Nat'l Bank & Trust Co. of Traverse City, Traverse City, MI	03/09/84, Chicago	2378
National Bank of Arizona, Scottsdale, AZ	09/28/89, San Francisco	5995
National Bank of Commerce of Brownsville, Brownsville, TX	07/13/89, Dallas	4033
National Bank of Federick, Federick, OK	01/22/87, Dallas	5794
National Bank of Odessa, Odessa, TX	09/30/83, Dallas	2363
National Bank of Texas, Houston, TX	05/19/88, Dallas	2818
National Bank of Texas, Austin, TX	07/02/86, Dallas	5713
National Bank, Fort Sam Houston, Fort Sam Houston, TX	07/29/88, Assisted Bank	2862
National City Bank, Coral Springs, FL	02/21/92, Chicago	4452
National City Bank of Denver, Denver, CO	06/14/90, San Francisco	4230
National Industrial Bank, Meriden, CT	11/10/89, New York	4117
NBC Bank-Austin, N.A., Austin, TX	06/01/90, Dallas	4212
NBC Bank-Boerne, N.A., Boerne, TX	06/01/90, Dallas	4213
NBC Bank-Houston, N.A., Houston, TX	06/01/90, Dallas	4215
NBC Bank-Kerrville, N.A., Kerrville, TX	06/01/90, Dallas	4216
NBC Bank-Rio Grande Valley, N.A., Mission, TX	06/01/90, Dallas	4217
NBC Bank-San Antonio, N.A., San Antonio, TX	06/01/90, Dallas	4218
NBC Bank-Seguin, N.A., Seguin, TX	06/01/90, Dallas	4219
NBC Bank-South Texas, N.A., Corpus Christi, TX	06/01/90, Dallas	4214
NBC Bank-Uvalde, N.A., Uvalde, TX	06/01/90, Dallas	4220
New Bank of New England (Bridge Bank), Boston, MA	07/13/91, Assisted Bank	4374
New City Bank, Orange, CA	03/20/87, San Francisco	2668
New Connecticut Bank & Trust (Bridge Bank), Hartford, CT	07/13/91, Assisted Bank	4375
New England Allbank for Savings, Gardner, MA	12/12/90, New York	4300
New Hampshire Savings Bank, Concord, NH	10/10/91, Assisted Bank	4412
New Heritage Bank, Lawrence, MA	03/06/92, New York	4457
New Maine National Bank (Bridge Bank), Portland, ME	07/13/91, Assisted Bank	4378
New Mexico National Bank, Albuquerque, NM	07/17/86, San Francisco	2578
New Orleans/Horizon Federal, New Orleans, LA	06/20/86, Chicago	7536
New Ulm State Bank, New Ulm, TX	06/29/89, Dallas	4029
New World National Bank, Pittsburgh, PA	10/22/87, Chicago	2741
Norman Bank of Commerce, Norman, OK	11/20/86, Dallas	2618
North American National Bank, Littleton, CO	05/07/87, San Francisco	5857
North American SLA, Costa Mesa, CO	06/06/88, San Francisco	7577
North American Thrift and Loan, Corona Del Mar, CA	05/29/92, San Francisco	4493
North Bank, National Assoc., Oklahoma City, OK	10/12/89, Dallas	4102
North Central National Bank, Austin, TX	04/23/87, Dallas	5851

FEDERAL DEPOSIT INSURANCE CORPORATION, ACTIVE INSTITUTIONS IN LIQUIDATION—Continued

[Alpha Listing (Name)]

Institution name, city/state	Date closed, region	Ref. #
North Ridge Bank, Oakland Park, FL	12/20/91, Chicago	4433
North Side State Bank, Tulsa, OK	12/14/89, Dallas	4136
Northlake/Horizon Fed, Covington, LA	06/20/86, Chicago	7534
Northshore Bank, Houston, TX	11/08/85, Dallas	2513
Northside Bank, San Antonio, TX	09/06/90, Dallas	4269
Northway National Bank, Dallas, TX	02/15/90, Dallas	4152
Northwest Bank, White Settlement, TX	05/23/85, Dallas	2465
Northwest Bank, Dallas, TX	01/21/88, Dallas	5923
Northwest Bank & Trust, Houston, TX	06/23/88, Dallas	2834
Northwest Bank, N.A., San Antonio, TX	06/06/91, Dallas	4364
Northwest Commercial Bank, N.A., Houston, TX	06/11/87, Dallas	2696
Northwest National Bank, Fayetteville, AR	08/16/91, Chicago	4387
Norwalk Bank, Norwalk, CT	04/24/92, New York	4477
Numerica Savings Bank FSB, Manchester, NH	10/10/91, Assisted Bank	4408
Oak Hill National Bank, Austin, TX	01/12/89, Dallas	2952
Oak Lawn Bank, N.A., Dallas, TX	12/01/88, Dallas	2936
Oak Park Bank, Oak Park Heights, MN	04/29/88, Chicago	2811
Oklahoma Consolidated Office, Oklahoma, OK	09/01/88, Dallas	3906
Orange Coast Thrift and Loan Association, Los Alamitos, CA	06/27/86, San Francisco	2572
Orange State Bank, Miami, FL	12/08/89, Chicago	4129
Orlando Consolidated Office, Orlando, FL	09/01/88, Chicago	3901
Orleans Bank and Trust Company, New Orleans, LA	01/12/89, Chicago	2955
Panhandle Bank and Trust, Borger, TX	12/04/86, Dallas	2622
Park Avenue Bank, National Assoc., Oklahoma City, OK	10/19/89, Dallas	4103
Park Bank, St. Petersburg, FL	02/14/86, Chicago	2536
Park Central Bank, Fort Worth, TX	08/24/89, Dallas	5983
Park Forty Five National Bank, Spring, TX	08/03/89, Dallas	5981
Park West Bank, N.A., Farmers Branch, TX	08/15/85, Dallas	5601
Parkway Bank and Trust, Dallas, TX	06/09/88, Dallas	2828
Peninsula Sav/1st Federal, Soldotna, AK	08/08/86, San Francisco	7540
Penn Square Bank, N.A., Oklahoma City, OK	07/07/82, Dallas	5391
Peoples Bank, Hewitt, TX	06/13/91, Dallas	4368
Peoples National Bank, Caldwell, TX	06/21/90, Dallas	4234
Peoples National Bank of Rockland County, Ramapo(Nonsey), NY	09/13/85, New York	5610
Peoples SLA/Pioneer FSLA, La Grande, OR	09/23/88, San Francisco	7583
Peoples State Bank, Dallas, TX	12/14/90, Dallas	4306
Peoples State Bank of Mazeppa, Mazeppa, MN	08/20/87, Chicago	6901
Peoples State Bank of Meeker, Meeker, CO	09/23/88, San Francisco	5947
Permian Bank, Odessa, TX	07/18/86, Dallas	6721
Petrobank, N.A., Houston, TX	06/12/86, Dallas	5702
Pisgah Savings Bank, Pisgah, IA	09/01/88, Chicago	5945
Placer Bank of Commerce, Roseville, CA	03/27/92, San Francisco	4469
Planters Trust & Savings BK of Opelousas, Opelousas, LA	05/18/84, Dallas	2388
Plaza Del Oro National Bank, Houston, TX	01/11/90, Dallas	4141
Plaza National Bank, Del Rio, TX	03/12/87, Dallas	5824
Pontchartrain State Bank, Metairie, LA	07/19/91, Chicago	4378
Port City Bank, Houston, TX	01/28/88, Dallas	2779
Powder Mill Bank, Morris Plains, NJ	05/22/92, New York	4491
Prairie County Bank, Hazen, AR	03/24/83, Dallas	6417
Prairie State Bank, Grand Prairie, TX	09/14/89, Dallas	5990
Premier Bank, N.A., Dallas, TX	03/31/89, Dallas	5964
Presidio FSLA, Porterville, CA	08/08/86, San Francisco	7541
Private Bank and Trust, N.A., Coral Gables, FL	10/25/91, Chicago	4422
Progressive National Bank of Rayne, Rayne, LA	03/12/92, Chicago	4458
Rainsville Bank, Rainsville, AL	05/09/86, Chicago	2557
Ramona FSLA/Midwest FSLA, Orange, CA	02/26/88, San Francisco	7567
Reagan State Bank, Big Lake, TX	10/03/91, Dallas	4404
Red Bird Bank of Dallas, Dallas, TX	04/09/92, Dallas	4473
Red Oak State Bank, Red Oak, TX	07/09/87, Dallas	2707
Red River National Bank, Clarksville, TX	03/19/87, Dallas	2663
Regency SB/Great Lakes, Ann Arbor, MI	10/14/88, Chicago	7585
Renda Settlement, New York, NY	04/24/89, New York	5966
Republic Bank, Blanchard, LA	10/31/86, Chicago	2609
Republic Bank, Oklahoma City, OK	11/19/87, Dallas	2749
Republic Bank of Kansas City, Kansas City, MO	06/18/84, Chicago	6492
Resource Bank, N.A., Houston, TX	12/08/88, Dallas	5955
Richardson National Bank, Richardson, TX	05/03/90, Dallas	4193
Richmark Bank, Houston, TX	06/07/90, Dallas	4224
River City Bank, Castle Hills, TX	09/15/88, Dallas	2917
Riverhead Savings Bank, White Plains, NY	06/12/92, New York	4498
Riverside National Bank of Houston, Houston, TX	08/01/85, Dallas	2491
Rockport Bank, N.A., AR, County(Rockport), TX	01/31/91, Dallas	4318
Rocky Mountain National Bank, Denver, CO	05/31/90, San Francisco	4209
Rocky Mountain State Bank, Salt Lake City, UT	08/28/87, San Francisco	2722
Rolling Hills State Bank, Piedmont, OK	01/12/89, Dallas	2951
Rose Capital Bank, Tyler, TX	09/21/89, Dallas	5993
Round Rock National Bank, Round Rock, TX	10/27/88, Dallas	5948

FEDERAL DEPOSIT INSURANCE CORPORATION, ACTIVE INSTITUTIONS IN LIQUIDATION—Continued

[Alpha Listing (Name)]

Institution name, city/state	Date closed, region	Ref. #
Sabinal Bank, Sabinal, TX	03/21/91, Dallas	4335
Saddleback National Bank, Laguna Hills, CA	05/15/86, San Francisco	5691
Sam Houston National Bank of Walker City, Huntsville, TX	01/21/88, Dallas	2778
San Jose Cons off CP, San Jose, CA	08/06/85, San Francisco	3487
San Mario/Home of Tucson, San Marino, CA	12/07/84, San Francisco	7514
Sandy State Bank, Sandy, UT	05/27/88, San Francisco	2821
Savannah/New/Charter, Savannah, TN	11/16/84, Chicago	7510
Saybrook Bank and Trust Co., Old Saybrook, CT	12/06/91, New York	4429
Seafirst Bank, Port St. Lucie, FL	03/08/91, Chicago	4328
Seapointe/Monterey Park, Carlsbad, CA	05/30/86, San Francisco	7531
Search National Bank, Dallas, TX	03/01/90, Dallas	4158
Security Bank, Dallas, TX	10/20/88, Dallas	2928
Security Bank, Houston, TX	02/16/89, Dallas	2968
Security Bank & Trust Co., Wharton, TX	05/18/89, Dallas	4018
Security Bank of Aurora, Aurora, CO	06/02/88, San Francisco	2823
Security Bank of Denver, N.A., Denver, CO	03/10/88, San Francisco	2794
Security Bank of Glenrock, Glenrock, WY	06/06/86, San Francisco	6701
Security National Bank, Anchorage, AK	10/23/86, San Francisco	2608
Security National Bank, Elgin, TX	04/19/90, Dallas	4184
Security National Bank, Austin, TX	08/30/90, Dallas	4263
Security National Bank of Lubbock, Lubbock, TX	04/13/84, Dallas	5468
Security National Bank of Midland, Midland, TX	02/12/87, Dallas	5809
Security National Bank of Shreveport, Shreveport, LA	11/17/89, Chicago	4120
Security State Bank, Roosevelt, OK	08/06/87, Dallas	2715
Seminole State National Bank, Seminole, TX	03/16/84, Dallas	5464
Sentinel Bank, Hartford, CT	01/31/92, New York	4444
Shelby National Bank of Shelbyville, Shelbyville, IN	04/19/84, Chicago	2381
Shore Bank and Trust Company, Lynn, MA	04/24/92, New York	4478
Sierra Sla/Nevada Sla, Minden, CA	10/23/87, San Francisco	7559
Sierra/Commercial Federal, Denver, CO	02/28/86, San Francisco	7527
Signal Sla, Signal Hill, CA	02/10/89, San Francisco	6934
Signature Bank, National Association, Dallas, TX	04/26/90, Dallas	4189
South Denver National Bank, Denver, CO	06/24/87, San Francisco	2702
Southcoast Bank Corporation, West Palm Beach, FL	08/09/91, Chicago	4384
Southeast Bank of West Florida, Pensacola, FL	09/19/91, Chicago	4401
Southeast Bank, N.A., Miami, FL	09/19/91, Chicago	4400
Southern Federal, Thomasville, GA	01/19/89, Chicago	6930
Southern National Bank, Birmingham, AL	06/14/79, Chicago	2274
Southside National Bank, Nacogdoches, TX	03/19/92, Dallas	4463
Southstate Bank for Savings, Brockton, MA	04/24/92, New York	4475
Southwest National Bank, Austin, TX	06/28/90, Dallas	4240
Southwest National Bank, Albuquerque, NM	02/21/91, San Francisco	4325
Southwest National Bank, Houston, TX	11/03/88, Dallas	5949
Southwestern Bank, Tucson, AZ	09/25/81, San Francisco	6373
Sparta-Sanders State Bank, Sparta, KY	04/15/83, Chicago	6421
State Bank of Commerce, Slidell, LA	12/03/87, Chicago	2752
State Bank of Farmersville, Farmersville, IL	08/09/85, Chicago	2492
State Bank of Greenwald, Greenwald, MN	10/02/87, Chicago	5909
State Bank of Herndon, Herndon, KS	08/14/85, Chicago	6600
State of Clovis, Clovis, NM	11/03/83, San Francisco	7506
State SLA/Sandia FSLA, Salt Lake City, UT	04/12/85, San Francisco	7516
State/Freedom Federal, Corvallis, OR	12/06/85, San Francisco	7525
Steeplechase National Bank, Houston, TX	09/17/87, Dallas	2728
Stockmen's Bank and Trust Company, Gillette, WY	09/20/87, San Francisco	5905
Strawn Security Bank, Strawn, TX	10/05/89, Dallas	5997
Strong's Bank, Dodgeville, WI	06/14/85, Chicago	6576
Suburban National Bank, Hillsborough Township, NJ	07/26/91, New York	4380
Suffield Bank, Suffield, CT	09/06/91, New York	4395
Summit Bank, San Antonio, TX	08/24/89, Dallas	5984
Summit National Bank, Torrington, CT	04/03/92, New York	4471
Summit SLA/United SLA, Park City, UT	04/10/87, San Francisco	7555
Sun Savings/Flagship Federal, San Diego, CA	07/18/86, San Francisco	7537
Sunbelt/Horizon Federal, Lake Providence, LA	05/02/86, Chicago	7530
Sunrise/Beach Federal, Boynton Beach, FL	09/12/86, Chicago	7543
Sunshine State Bank, South Miami, FL	05/23/86, Chicago	6694
Sweeny Bank, Sweeney, TX	03/19/87, Dallas	2664
Tab/Amarillo, Amarillo, TX	07/20/89, Assisted Bank	4053
Tab/Austin, Austin, TX	07/20/89, Assisted Bank	4058
Tab/Breckenridge, Breckenridge, TX	07/20/89, Assisted Bank	4045
Tab/Dallas, Dallas, TX	07/20/89, Assisted Bank	4042
Tab/Dallas—LBJ, Dallas, TX	07/20/89, Assisted Bank	4038
Tab/Dallas—Prestonwood, Dallas, TX	07/20/89, Assisted Bank	4035
Tab/Denison, Denison, TX	07/20/89, Assisted Bank	4043
Tab/Duncanville, Duncanville, TX	07/20/89, Assisted Bank	4040
Tab/Farmers Branch, Farmers Branch, TX	07/20/89, Assisted Bank	4046
Tab/Fort Worth, Fort Worth, TX	07/20/89, Assisted Bank	4036
Tab/Forum—Arlington, Arlington, TX	07/20/89, Assisted Bank	4037

FEDERAL DEPOSIT INSURANCE CORPORATION, ACTIVE INSTITUTIONS IN LIQUIDATION—Continued

[Alpha Listing (Name)]

Institution name, city/state	Date closed, region	Ref. #
Tab/Fredricksburg, Fredricksburg, TX	07/20/89, Assisted Bank	4057
Tab/Greater Southwest, Grand Prairie, TX	07/20/89, Assisted Bank	4039
Tab/Houston—Galleria, Houston, TX	07/20/89, Assisted Bank	4051
Tab/Levelland, Levelland, TX	07/20/89, Assisted Bank	4056
Tab/Longview, Longview, TX	07/20/89, Assisted Bank	4049
Tab/McKinney, McKinney, TX	07/20/89, Assisted Bank	4044
Tab/Midland, Midland, TX	07/20/89, Assisted Bank	4054
Tab/Plano, Plano, TX	07/20/89, Assisted Bank	4048
Tab/Richardson, Richardson, TX	07/20/89, Assisted Bank	4050
Tab/Southwest, Stafford, TX	07/20/89, Assisted Bank	4052
Tab/Temple, Temple, TX	07/20/89, Assisted Bank	4055
Tab/Tyler, Tyler, TX	07/20/89, Assisted Bank	4047
Tab/Wichita Falls, Wichita Falls, TX	07/20/89, Assisted Bank	4041
Tasosa National Bank of Amarillo, Amarillo, TX	06/13/91, Dallas	4367
Territory SLA/Commercial, Seminole, OK	01/29/88, Dallas	7564
Texana National Bank of Belton, Belton, TX	12/01/88, Dallas	5954
Texas Bank & Trust of Temple, Temple, TX	05/09/91, Dallas	4349
Texas Bank and Trust Company, Lubbock, TX	09/19/86, Dallas	2599
Texas Bank of Plano, Plano, TX	12/15/88, Dallas	2945
Texas Independence Bank, Pasadena, TX	09/18/86, Dallas	2598
Texas Investment Bank National Associati, Houston, TX	05/21/87, Dallas	5866
Texas National Bank, Dallas, TX	12/15/88, Dallas	2946
Texas National Bank, El Paso, TX	06/07/90, Dallas	4223
Texas National Bank, Austin, TX	04/21/88, Dallas	5938
Texas National Bank, Houston, TX	02/16/89, Dallas	5959
Texas National Bank—Westheimer, Houston, TX	05/28/87, Dallas	5867
Texas Premier Bank of Victoria, N.A., Victoria, TX	06/13/91, Dallas	4369
The Alexander State Bank, Alexander, KS	11/19/87, Chicago	5918
The American Bank, Palestine, TX	07/14/88, Dallas	2840
The American Bank, Alma, WI	06/20/86, Chicago	6707
The Aurora Bank, Aurora, CO	11/01/85, San Francisco	2511
The Bank for Savings, Malden, MA	03/20/92, New York	4461
The Bank Mart, Bridgeport, CT	12/13/91, Assisted Bank	4434
The Bank of Bronson, Bronson, KS	08/23/85, Chicago	6802
The Bank of Commerce, Chanute, KS	05/02/85, Chicago	2459
The Bank of Commerce, Shreveport, LA	06/12/86, Chicago	2567
The Bank of Horton, Horton, KS	06/13/91, Chicago	4366
The Bank of Kerrville, Kerrville, TX	11/17/88, Dallas	2935
The Bank of Louisburg, Louisburg, KS	02/03/88, Chicago	2780
The Bank of Park County, Bailey, CO	07/24/86, San Francisco	6726
The Bank of Ruidoso, Ruidoso, NM	02/23/90, San Francisco	4156
The Bank of Verde Valley, Cottonwood, AZ	01/16/92, San Francisco	4438
The Bank of Woodson, Woodson, TX	03/01/82, Dallas	6379
The Bazine State Bank, Bazine, KS	04/12/90, Chicago	4179
The Benton State Bank, Benton, KS	06/11/87, Chicago	2694
The Blueville Bank of Grafton, Grafton, WV	04/05/91, Chicago	4340
The Bowery Savings Bank, New York, NY	10/01/85, New York	3501
The Bowie County State Bank, Hooks, TX	07/28/82, Dallas	2314
The Burr Oak State Bank, Burr Oak, KS	08/31/89, Chicago	5985
The Central Savings Bank, Lowell, MA	02/14/92, New York	4450
The Citizens Bank, Ogden, UT	10/18/85, San Francisco	2509
The Citizens Bank, Drumright, OK	09/24/87, Dallas	2730
The Citizens Bank of Pagosa Spring, Pagosa Spring, CO	10/25/91, San Francisco	4418
The Citizens State Bank, Donna, TX	11/06/86, Dallas	2610
The Citizens State Bank of McCracken, McCracken, KS	06/05/86, Chicago	6700
The Commonwealth Bank, Bellaire, TX	04/12/89, Dallas	4004
The Corning Bank, Corning, AR	06/15/84, Dallas	2396
The Cosmopolitan National Bank of Chicago, Chicago, IL	05/17/91, Chicago	4357
The County Bank, Manatee County, FL	02/13/87, Chicago	2647
The Dakota Bank, Grand Forks, ND	08/24/89, Chicago	5982
The Des Plaines Bank, Des Plaines, IL	03/14/81, Chicago	6370
The Douglas State Bank, Kansas City, KS	09/02/83, Chicago	2360
The Early Bank, Early, TX	10/18/85, Dallas	2507
The Easton State Bank, Leavenworth, KS	08/08/86, Chicago	2586
The Energy Bank, National Association, Dallas, TX	05/16/85, Dallas	2464
The Fairfield State Bank, Fairfield, NE	05/31/85, Chicago	6571
The Family Bank, Allenstown, NH	09/06/91, New York	4396
The Farmers & Merchants Bank of Shenyenne, Shenyenne, ND	10/26/90, Chicago	4289
The Farmers & Merchants NB of Hennessey, Hennessey, OK	12/05/85, Dallas	5638
The Farmers & Merchants State Bank, Ballinger, TX	03/16/89, Dallas	2977
The Farmers National Bank of Cordell, Cordell, OK	12/03/87, Dallas	2757
The Farmers National Bank of Remington, Remington, IN	01/29/87, Chicago	2638
The Farmers State Bank, Selden, KS	12/20/84, Chicago	2434
The Farmers State Bank, Bogue, KS	03/16/89, Chicago	2973
The First National Bank & Trust Co of El, El Reno, OK	08/08/86, Dallas	5732
The First National Bank and Trust Co of, Enid, OK	11/06/86, Dallas	5765
The First National Bank and Trust Co of Cushing, OK	03/10/88, Dallas	5929

FEDERAL DEPOSIT INSURANCE CORPORATION, ACTIVE INSTITUTIONS IN LIQUIDATION—Continued

[Alpha Listing (Name)]

Institution name, city/state	Date closed, region	Ref. #
The First National Bank and Trust Co of, Oklahoma City, OK	07/11/86, Dallas	2574
The First National Bank and Trust Company, Norman, OK	05/26/86, Dallas	5697
The First National Bank and Trust of Okl, Oklahoma City, OK	07/14/86, Dallas	2587
The First National Bank in Humboldt, Humboldt, IA	04/02/82, Chicago	2306
The First National Bank of Brush, Brush, CO	10/08/87, San Francisco	2737
The First National Bank of Chanute, Chanute, KS	06/19/86, Chicago	5706
The First National Bank of Darrouzett, Darrouzett, TX	07/18/85, Dallas	5586
The First National Bank of Georgetown, Georgetown, TX	05/17/90, Dallas	4200
The First National Bank of Gordon, Gordon, TX	05/18/89, Dallas	4017
The First National Bank of Gracemont, Gracemont, OK	11/10/88, Dallas	5951
The First National Bank of Harmon, Harmon, OK	09/03/87, Dallas	5902
The First National Bank of Jacksonville, Jacksonville, AL	07/05/85, Chicago	2477
The First National Bank of Levelland, Levelland, TX	08/30/90, Dallas	4265
The First National Bank of Luther, Luther, OK	08/13/87, Dallas	2717
The First National Bank of Marlboro, Marlboro, MA	01/23/87, New York	5795
The First National Bank of Midland, Midland, TX	10/14/83, Dallas	2365
The First National Bank of Navasota, Navasota, TX	08/13/87, Dallas	2718
The First National Bank of Onaga, Onaga, KS	07/23/85, Chicago	2481
The First National Bank of Poth, Poth, TX	05/09/91, Dallas	4350
The First National Bank of Rush, Rush Springs, OK	01/15/87, Dallas	2634
The First National Bank of San Marcos, San Marcos, TX	01/04/90, Dallas	4140
The First National Bank of Sanger, Sanger, TX	03/01/90, Dallas	4157
The First National Bank of St. Joseph, St. Joseph, MO	10/11/85, Chicago	2504
The First National Bank of Tipton, Tipton, OK	09/02/87, Dallas	5903
The First National Bank of Toms River, Toms River, NJ	05/22/91, New York	4358
The First National Bank of White City, White City, KS	01/09/86, Chicago	2527
The First National Bank of Yukon, Yukon, OK	07/29/87, Dallas	5889
The First State Bank, Frisco, TX	06/04/87, Dallas	2693
The First State Bank, Childress, TX	05/12/88, Dallas	2816
The First State Bank, Rockwall, TX	05/26/88, Dallas	5940
The First State Bank, Abilene, TX	02/17/89, Dallas	5960
The Gering National Bank & Trust Company, Gering, NE	07/28/86, Chicago	2585
The Home State Bank, Rochester, TX	06/27/86, Dallas	2570
The Home State Bank, La Crosse, KS	09/25/86, Chicago	2600
The Home State Bank, Russell, KS	03/03/88, Chicago	2791
The Home State Bank, Arcadia, KS	02/16/89, Chicago	5958
The Housatonic Bank & Trust Company, Ansonia, CT	07/26/91, New York	4381
The Hoxie State Bank, Hoxie, KS	11/13/86, Chicago	2615
The Huntsville National Bank, Huntsville, TX	05/31/90, Dallas	4208
The Kerens Bank, Kerens, TX	07/26/91, Dallas	4379
The Landmark Bank, Hartford, CT	03/28/91, New York	4336
The Lee State Bank, Browerville, MN	11/09/89, Chicago	4114
The Liberty Bank of Seattle, Seattle, WA	06/17/88, San Francisco	2831
The Madill Bank and Trust Company, Madill, OK	03/20/87, Dallas	2666
The Mayfield State Bank, Mayfield, KS	09/24/87, Chicago	5906
The McKinley Bank, Niles, OH	02/22/91, Chicago	4326
The Mendon State Bank, Mendon, IL	08/20/86, Chicago	2591
The Merchant Bank of California, Beverly Hills, CA	06/08/90, San Francisco	4225
The Merchants Bank & Trust Company, Norwalk CT	02/01/91, New York	4319
The Mississippi Bank, Jackson, MS	05/11/84, Chicago	2386
The Murdock State Bank, Murdock, KS	09/24/87, Chicago	5907
The National Bank, Dyersville, IA	04/10/86, Chicago	2548
The National Bank of Bossier City, Bossier City, LA	01/12/89, Chicago	2956
The National Bank of Carmel, Carmel, CA	05/08/84, San Francisco	5478
The National Bank of Washington, Washington, DC	08/10/90, Chicago	4257
The National Bank of Wortham, Wortham, TX	02/14/91, Dallas	4324
The North American Bank, Phoenix, AZ	01/08/88, San Francisco	5921
The Olla State Bank, Olla, LA	10/05/89, Chicago	5996
The Peoples Bank, Olive Hill, KY	12/03/87, Chicago	2759
The Peoples Bank & Trust Co., Natchitoches, LA	10/05/90, Chicago	4283
The Permanent Savings Bank, Niagara Falls, NY	07/13/90, New York	4248
The Planters Bank and Trust Company, Haynesville, LA	01/19/89, Chicago	2959
The Red River Bank, Red River, NM	02/23/90, San Francisco	4155
The Rexford State Bank, Rexford, KS	10/10/84, Chicago	2421
The San Saba National Bank, San Saba, TX	08/29/91, Dallas	4390
The Seamen's Bank for Savings, FSB, New York, NY	04/18/90, New York	4180
The Security National Bank and Trust Com, Norman, OK	01/08/87, Dallas	2631
The Sedan State Bank, Sedan, KS	09/25/85, Chicago	6612
The Southwestern Bank, Houston, TX	04/09/87, Dallas	2672
The State Bank of Omaha, Omaha, TX	12/14/90, Dallas	4305
The State Exchange Bank, Yates Center, KS	08/14/86, Chicago	2590
The Strong City State Bank, Strong City, KS	11/29/84, Chicago	2430
The Texas Bank & Trust Company, Sweetwater, TX	07/27/89, Dallas	4061
The Trust Bank, Hialeah, FL	01/29/88, Chicago	5925
The United Bank, Minneapolis, KS	08/21/86, Chicago	2592
The Village Bank, Great Falls, MT	04/22/88, San Francisco	2808
The Waller Bank, National Association, Waller, TX	03/22/90, Dallas	4170

FEDERAL DEPOSIT INSURANCE CORPORATION, ACTIVE INSTITUTIONS IN LIQUIDATION—Continued

[Alpha Listing (Name)]

Institution name, city/state	Date closed, region	Ref. #
The Washington Bank of Maryland, Baltimore, MD	05/10/91, Chicago	4351
The Wilshire Bank, National Association, Los Angeles, CA	05/31/90, San Francisco	4210
The Wimberly Bank, Wimberly, TX	06/14/90, Dallas	4227
Theodore Roosevelt National Bank, Washington, DC	03/26/92, Chicago	4466
Thousand Oaks National Bank, Pflugerville, TX	09/07/89, Dallas	5988
Town and Country Bank, Bixby, OK	09/15/88, Dallas	2919
Tracy Collins, SLC, Salt Lake City, UT	12/30/88, San Francisco	3950
Travis Bank & Trust, Austin, TX	04/20/89, Dallas	4006
Tri Cities Bank & Trust, Glen Heights, TX	06/23/88, Dallas	2833
Tri-County SLA, Maple Shade, NJ	11/13/87, Chicago	7560
Tri-State National Bank, Belle Fourche, SD	11/10/87, Chicago	5916
Trinity National Bank, San Antonio, TX	09/15/88, Dallas	2918
Trinity National Bank, Berbrook, TX	11/02/90, Dallas	4290
Trinity National Bank of Dallas, Dallas, TX	04/25/90, Dallas	4188
Troup Bank & Trust Company, Troup, TX	08/24/89, Dallas	4070
Tucker State Bank of Jacksonville, Jacksonville, FL	05/04/90, Chicago	4184
Twin City/Secor Bank, West Monroe, LA	11/10/88, Chicago	7587
Tyler National Bank, Tyler, TX	02/01/90, Dallas	4147
U.S. Savings Bank of America, Seabrook, NH	07/27/90, New York	4253
U.S. Bank, Denton, TX	12/17/87, Dallas	2768
Ultimate SB/Citizens Federal, Richmond, VA	09/16/88, Chicago	7582
Umpqua SLA, Roseburg, OR	01/16/87, San Francisco	7548
UN Amer Bank Knoxville, Knoxville, TN	03/22/83, Chicago	1123
Union Bank, San Antonio, TX	10/31/91, Dallas	4421
Union Bank & Trust, Dallas, TX	05/05/88, Dallas	2813
Union Bank and Trust, Bartlesville, OK	07/21/88, Dallas	2843
Union Bank and Trust Company, Oklahoma City, OK	03/31/88, Dallas	2802
Union Bank of Houston, Houston, TX	12/01/88, Dallas	2937
Union County Bank, Maynardville, TN	04/22/86, Chicago	6681
Union Deposit Bank, Union, KY	06/26/86, Chicago	6708
United American Bank in Hamilton County, Chattanooga, TN	05/27/83, Chicago	2348
United Bank—Houston, Houston, TX	04/30/87, Dallas	6854
United Bank of Texas, Austin, TX	06/04/87, Dallas	6869
United Bank of Waco, National Assoc., Waco, TX	08/02/90, Dallas	4255
United Citizens Bank, N.A., College Station, TX	02/28/91, Dallas	4327
United Community Bank, Westlake Village, CA	12/20/89, San Francisco	4139
United FSLA/Midwest Federal, Durant, OK	03/25/88, Dallas	7570
United Mercantile Bank, Shreveport, LA	01/21/88, Chicago	2776
United Mercantile Bank & Trust Co., N.A., Pasadena, CA	03/20/92, San Francisco	4484
United National Bank of Plano, Plano, TX	11/10/89, Dallas	4115
United of American Bank, Chicago, IL	04/27/84, Chicago	6471
United Oklahoma Bank, Oklahoma City, OK	03/17/87, Dallas	2662
United Peoples Bank, Lampasas, TX	10/11/90, Dallas	4284
United Services Bank, Hartshorne, OK	10/08/87, Dallas	5911
United Southern Bank of Clarksville, Clarksville, TN	08/26/83, Chicago	2359
United Southern Bank of Nashville, Nashville, TN	05/27/83, Chicago	2347
United States National Bank, San Diego, CA	10/18/73, San Francisco	5305
Universal SA, Chickasha, OK	07/29/88, Dallas	7581
University Bank, N.A., Newton, MA	05/31/91, New York	4362
University National Bank, San Antonio, TX	08/03/89, Dallas	4065
University National Bank of College Stat., College Station, TX	03/08/90, Dallas	4160
Utah Firstbank, Salt Lake City, UT	01/24/86, San Francisco	2531
Utica National Bank & Trust Co., Tulsa, OK	07/20/89, Dallas	4034
Valencia Bank, Santa Ana, CA	02/07/86, San Francisco	6657
Valley Bank, White River Junction, VT	09/13/91, New York	4397
Valley Commercial Bank, Stockton, CA	04/24/92, San Francisco	4479
Valley First/ Home FSLA, El Centro, CA	01/14/83, San Francisco	7502
Valley FSB, Dayton, TN	02/24/89, Chicago	6936
Valley State Bank, Encino, CA	09/28/87, San Francisco	2732
Valley View National Bank, Valley View, TX	06/28/90, Dallas	4238
Vanguard Savings Bank, Holyoke, MA	03/27/92, New York	4467
Vernon FSLA/Montfort SA, Dallas, TX	11/19/87, Dallas	7561
Victor/Cimmaron, Muskogee, OK	07/29/88, Dallas	7579
Village Green National Bank, Jersey Village, TX	05/09/91, Dallas	4348
Washington County State Bank, Brenham, TX	12/13/90, Dallas	4302
Waxahachie Bank and Trust Company, Waxahachie, TX	09/10/87, Dallas	2724
West Belt National Bank, Houston, TX	01/12/89, Dallas	2954
West Coast Bank, Los Angeles, CA	04/27/84, San Francisco	6473
West Houston National Bank, Houston, TX	08/11/88, Dallas	2892
West Texas State Bank of Canyon, Canyon, TX	11/13/87, Dallas	2747
Western Bank, Midland TX	09/04/86, Dallas	2596
Western Bank, El Paso, TX	03/12/87, Dallas	2660
Western Bank, Duncanville, TX	11/15/90, Dallas	4294
Western Bank-Westwood, Houston, TX	10/01/87, Dallas	2736
Western Bank-North Wilcrest National Assoc., Houston, TX	10/01/87, Dallas	2735
Western Bank-Westheimer, Houston, TX	10/01/87, Dallas	5908
Western Comm/First United El Cerrito, CA	03/08/85, San Francisco	7515

FEDERAL DEPOSIT INSURANCE CORPORATION, ACTIVE INSTITUTIONS IN LIQUIDATION—Continued

[Alpha Listing (Name)]

Institution name, city/state	Date closed, region	Ref. #
Western National Bank, Bryan, TX	10/22/87, Dallas	5914
Western National Bank of Louisiana, Kaplan, LA	10/26/89, Chicago	4111
Western National Bank of Lovell, Lovell, WY	06/24/83, San Francisco	5432
Western National Bank of Texas, Forth Worth, TX	09/13/90, Dallas	4272
Western State Bank of Denton, Denton, TX	09/27/85, Dallas	2499
Westheimer Memorial Bank N.A., Houston, TX	12/08/89, Dallas	4130
Westlake Thrift & Loan Assoc., Westlake Village, CA	07/29/88, San Francisco	5942
Westpoint National Bank, San Antonio, TX	02/16/89, Dallas	2969
Westside National Bank, Houston, TX	05/13/88, Dallas	2817
Westside/Mariner FSLA, Seattle, WA	08/30/85, San Francisco	7523
Whitney Bank & Trust, Hamden, CT	04/12/91, New York	4342
Willow Bend National Bank, Plano, TX	06/14/90, Dallas	4228
Woburn Five Cents Savings Bank, Woburn, MA	06/07/91, New York	4365
Woodway Bank & Trust, N.A., Houston, TX	10/04/90, Dallas	4281
Workingmen's Co-Operative Bank, Boston, MA	05/29/92, New York	4492
Worthington State Bank, Worthington, IN	11/14/91, Chicago	4426
Yankee Bank for Finance & Savings F.S.B., Boston, MA	10/15/87, New York	5913
Yellowstone State Bank-Lander, Lander, WY	11/01/85, San Francisco	6626
102 Valley Bank, Hopkins, MO	07/05/89, Chicago	5975

[FR Doc. 92-15357 Filed 7-1-92; 8:45 am]

BILLING CODE 6714-01-M

FEDERAL MARITIME COMMISSION

Request for Additional Information

Agreement No.: 202-011375.

Title: Trans-Atlantic Agreement.

Parties:

Atlantic Container Line AB

Compagnie Generale Maritime (CGM)

Nedlloyd Lijnen BV

Hapag Lloyd AG

Sea-Land Service, Inc.

A.P. Moller-Maersk Line

Polish Ocean Line

Mediterranean Shipping Co.

DSR/Senator Joint Service

P&O Containers Limited

Orient Overseas Container Line (UK) Ltd.

Cho Yang Shipping Co.

Synopsis: Notice is hereby given that the Federal Maritime Commission pursuant to section 6(d) of the Shipping Act of 1984 (46 U.S.C. app. 1701-1720) has requested additional information from the parties to the agreement in order to complete the statutory review of Agreement No. 202-011375 as required by the Act. This action extends the review period as provided in section 6(c) of the Act.

Dated: June 26, 1992.

Joseph C. Polking,
Secretary.

[FR Doc. 92-15517 Filed 7-1-92; 8:45 am]

BILLING CODE 6730-01-M

[Docket No. 92-41]

Transportation Services, Inc. as Agent
For Network Shipping Ltd. v. Federal
Container Line, Inc.; Filing of
Complaint and Assignment

Notice is given that a complaint filed by Transportation Services, Inc. as agent for Network Shipping Ltd. ("Complainant") against Federal Container Line, Inc. ("Respondent") was served June 26, 1992. Complainant alleges that Respondent engaged in violations of section 10(a)(1) of the Shipping Act of 1984, 46 U.S.C. app. 1709(a)(1), by failing and refusing to pay charges lawfully assessed pursuant to the applicable tariffs or service contracts on two shipments of paint and extract flavoring from Camden, New Jersey to Puerto Limon, Costa Rica in November, 1991.

This proceeding has been assigned to Administrative Law Judge Charles E. Morgan ("Presiding Officer"). Hearing in this matter, if any is held, shall commence within the time limitations prescribed in 46 CFR 502.61. The hearing shall include oral testimony and cross-examination in the discretion of the Presiding Officer only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record. Pursuant to the further terms of 46 CFR 502.61, the initial decision of the Presiding Officer in this proceeding shall be issued by June 28, 1993, and the final decision of the

Commission shall be issued by October 26, 1993.

Joseph C. Polking,
Secretary.

[FR Doc. 92-15599 Filed 7-1-92; 8:45 am]

BILLING CODE 6730-01-M

Ocean Freight Forwarder License
Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as ocean freight forwarders pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. app. 1718 and 46 CFR 510).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to contact the Office of Freight Forwarders, Federal Maritime Commission, Washington, DC 20573.

Worldwide Transportation Management Company, 1400 Adams Rd., Unit 1, Bensalem, PA 19020, Officers: L. Elena Parsons, President/Director, John R. Parsons, Treasurer, Ralph Droz, Secretary

United World International, Inc., 22777 Harper Ave., St. Clair Shores, MI 48080, Officers: Gary L. Clements, President/Director/Treasurer, Carol Clements, Director/Secretary/V. President, Ron Cherf, Director

Alianza Enterprises, Inc., 4152 Beaune Drive, Kenner, LA 70065, Officers: Miguel A. Martinez, President, Lillia M. Martinez, Vice President
Leex, Inc., 3217 48th Ave., S.W., Seattle, WA 98116, Officer: Tami Lui Lee, President/Director

Sea-Wings International, Inc., 183-W. Fullerton Ave., Glendale Hts., IL 60139, Officers: Lei-Lani Chan, President, Margaret E. James, Vice President/Secretary/Treasurer

Frama Forwarding Corp., 8007 N.W. 64th Street, Miami, FL 33166, Officers: Mariseles Arango, President, Gustavo R. Arango, Vice President

Groskopf Warehouse Consolidations, Inc., 20580 8th Street East, Sonoma, CA 95476, Officers: Ronald S. Groskopf, President/Director, Sharon Smith, Vice President/Director, Doris M. Groskopf, Secretary/Treasurer/Director, Susan L. Kastan, Assistant Vice President

Imex Shipping Group, Inc., 141 N.E. 3rd Ave., Suite 306, Miami, FL 33132, Officers: Hector J. Bologna, President, Sonia Garcia, Director/Secretary/Treasurer

Bon Bini Cargo Services, Inc., 7234 N.W. 31st St., Miami, FL 33122, Officer: Vivian Weber, President

Oceanic Freights, Inc., 523 N. Sam Houston Pkwy., East, Houston, TX 77060, Officers: Prem D. Nasta, President/Director/Secretary, Hansa P. Nasta, Director, Suren Marwaha, Vice President

Carolina Marine Services, 6321-A Airport Parkway, Greensboro, N.C. 27409, Gene Ronald Campbell, Sole Proprietor

USA Carriers, Inc. dba USA Carriers, Intermodal Cargo Express, Inc., 10550 East 54th Ave., Unit "A", Denver, CO 80239, Officers: W. Robert Fawcett, Jr., President, Rosalie H. Kent, Senior Vice President, Terry H. McCasland, Sr., Vice President, Gerald H. Biebuyck, Exec. Vice President/Sec./Tres., Bruce O. Boxberger, Vice President

James Thomas Gibbs, 17451 Hillgate Lane, Huntington Beach, CA 92649, Sole Proprietor

Dated June 26, 1992.

By the Federal Maritime Commission.

Joseph C. Polking,
Secretary.

[FR Doc. 92-15507 Filed 7-1-92; 8:45 am]

BILLING CODE 6730-01-M

[Petition No. P3-92]

Korean Forwarders & Customs Brokers Association; Conditions Unfavorable to Shipping in the United States/Korea Trade; Filing of Petition for Relief

Notice is given that a petition alleging conditions unfavorable to shipping in the United States/Korea trade ("Trade") has been filed by the Korean Forwarders & Customs Brokers

Association of Southern California ("Petitioner" or "KFCBA"), pursuant to section 19(1)(b) of the Merchant Marine Act, 1920 ("Section 19"), 46 U.S.C. app. 876(1)(b), and the Foreign Shipping Practices Act of 1988 ("FSPA"), 46 U.S.C. app. 1710a. Petitioner requests the Commission to grant it relief from certain efforts of the Republic of Korea to establish a transportation operation in the United States.

Section 19 authorizes the Federal Maritime Commission ("Commission" or "FMC") to make rules and regulations affecting shipping in the foreign trade in order to adjust or meet general or special conditions unfavorable to shipping in the foreign trade. The FSPA authorizes the Commission to take action against shipping carriers if it finds that conditions adversely affecting the operations of United States carriers in U.S. trade exist as a result of laws, rules or policies of foreign governments which do not exist for foreign carriers of that country in the United States.

In this instance, Petitioner is asking the Commission to remedy a condition or conditions which it alleges will result in irreparable harm to KFCBA members which are customs brokers, non-vessel operating common carriers, international freight forwarders, truckers and warehouse operators located in the Southern California area. Petitioner alleges that a projected Korean Government-impelled consortium of Korean trading companies, carriers, customs brokers, forwarders and other transportation-related firms to establish a transportation operation in the U.S. will result in loss of business by its members which presently handle approximately 50 per cent of the trade between the United States and Korea, as well as causing injury to U.S.-flag carriers operating in the Trade.

The Petition recognizes that there are bilateral discussions of shipping issues scheduled to take place in July between the Governments of the United States and Korea. Failing resolution of the issues raised in its Petition at those talks, Petitioner requests such Commission action on its Petition as the Commission "deems necessary and appropriate."

In view of the pending talks, which Petitioner believes may address the issues it raises, and the indications that the consortium is still an operation more on the drawing board than in reality, the Commission will hold in abeyance any further action on the Petition. The Commission also notes that it has recently announced action it will take in P2-92, Petition of Direct Container Line For Relief Pursuant to Section 19 of the

Merchant Marine Act, 1920, to meet or adjust conditions unfavorable to shipping in the Trade created by the laws of the Republic of Korea. This FMC action may affect the activities of the projected consortium.

At present, the Commission does not believe that receipt of comments on this Petition from interested parties would be useful. It is expected that Petitioner, or interested parties, will notify the Commission of any events which warrant imminent action on the Petition, including evidence that the projected consortium, with Korean Government involvement, is undertaking operations in the U.S. which come within the Commission's jurisdiction.

By the Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 92-15600 Filed 7-1-92; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Camden National Corporation, et al.; Notice of Applications to Engage de novo in Permissible Nonbanking Activities

The companies listed in this notice have filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the

reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than July 27, 1992.

A. Federal Reserve Bank of Boston (Robert M. Brady, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. *Camden National Corporation*, Camden, Maine; to engage *de novo* through its subsidiary, Camden Appraisal Company, Camden, Maine, in performing appraisals of real estate and tangible personal property, pursuant to § 225.25(b)(13) of the Board's Regulation Y.

B. Federal Reserve Bank of Atlanta (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *FNB Banking Company*, Griffin, Georgia; to engage *de novo* in providing loan reviews and internal audit services to Georgia banks, pursuant to § 225.25(b)(11) of the Board's Regulation Y.

C. Federal Reserve Bank of San Francisco (Kenneth R. Binning, Director, Bank Holding Company) 101 Market Street, San Francisco, California 94105:

1. *U.S. Bancorp*, Portland, Oregon; to engage *de novo* through its subsidiary, LenderNet, Inc., Portland, Oregon, in electronic loan origination and data processing, pursuant to §§ 225.25(b)(1) and (7) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, June 28, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92-15534 Filed 7-1-92; 8:45 am]

BILLING CODE 6210-01-F

Central Bancshares, Inc.; Acquisition of Company Engaged in Permissible Nonbanking Activities

The organization listed in this notice has applied under § 225.23(a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23(a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to

banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than July 27, 1992.

A. Federal Reserve Bank of Kansas City (John E. Yorke, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Central Bancshares, Inc.*, Cambridge, Nebraska; to acquire Emmett Insurance Agency, Arapahoe, Nebraska, and thereby engage in the sale of general insurance including property and casualty insurance and crop hail insurance, pursuant to § 225.25(b)(9)(iii)(A) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, June 28, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92-15535 Filed 7-1-92; 8:45 am]

BILLING CODE 6210-01-F

Community Bancorp, Inc., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are

considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than July 27, 1992.

A. Federal Reserve Bank of Philadelphia (Thomas K. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. *Community Bancorp, Inc.*, Monroeville, Pennsylvania; to become a bank holding company by acquiring 100 percent of the voting shares of Community Savings Bank, Monroeville, Pennsylvania.

2. *USBANCORP, Inc.*, Johnstown, Pennsylvania; to acquire 100 percent of the voting shares of Community Bancorp, Inc., Monroeville, Pennsylvania, and thereby indirectly acquire Community Savings Bank, Monroeville, Pennsylvania.

B. Federal Reserve Bank of Atlanta (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *Independent Bankshares Corporation*, Gallatin, Tennessee; to become a bank holding company by acquiring 100 percent of the voting shares of First Independent Bank, Gallatin, Tennessee.

C. Federal Reserve Bank of Dallas (W. Arthur Tribble, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Sun Banc, Corp.*, Sunray, Texas; to become a bank holding company by acquiring 100 percent of the voting shares of Sun Banc Delaware Corp., Dover, Delaware, and Sunray State Bank, Sunray, Texas.

2. *Sun Banc Delaware Corp.*, Dover, Delaware; to become a bank holding company by acquiring 100 percent of the voting shares of Sunray State Bank, Sunray, Texas.

Board of Governors of the Federal Reserve System, June 26, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92-15536 Filed 7-1-92; 8:45 am]

BILLING CODE 6210-01-F

Rita M. and Dennis I. Meyer; Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than July 22, 1992.

A. Federal Reserve Bank of Richmond (Lloyd W. Bostian, Jr., Senior Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. **Rita M. and Dennis I. Meyer**, Alexandria, Virginia; to acquire up to 13.67 percent of the voting shares of United Financial Banking Companies, Inc., Vienna, Virginia, and thereby indirectly acquire The Business Bank, Vienna, Virginia.

Board of Governors of the Federal Reserve System, June 26, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92-15537 Filed 7-1-92; 8:45 am]

BILLING CODE 6210-01-F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Health Care Policy and Research

Meeting

In accordance with section 10(a) of the Federal Advisory Committee Act (5 U.S.C. appendix 2), announcement is made of the following advisory subcommittee scheduled to meet during the month of July 1992:

Name: Low Birthweight in Minority and Low Income Populations PORT (Patient Outcomes Research Team) Advisory Subcommittee.

Dates and Times: July 9, 1992, 9 a.m.

Place: Marriott Residence Inn, 7335 Wisconsin Avenue, Calvert Room, Bethesda, Maryland 20814.

This meeting will be closed to the public.

Purpose: The Subcommittee's charge is to provide, on behalf of the Health Care Policy and Research Contracts Review Committee, advice and recommendations to the Secretary and to the Administrator, Agency for Health Care Policy and Research (AHCPR) regarding the scientific and technical merit of contract proposals submitted in response to a specific Request for Proposals for a PORT on Low Birthweight in Minority and Low Income Populations.

PORT projects involve multi-site, multi-disciplinary evaluation of the effectiveness of alternative services or procedures for preventing, diagnosing, treating, or managing specific clinical conditions. The purpose of this PORT contract is to identify and explain variations in the management of pregnancy to prevent low birthweight and related adverse maternal and childhood outcomes, focusing on effective interventions within and across minority groups and low-income populations. Analysis will be provided in terms of relative patient outcomes, resource use, and remaining scientific uncertainties.

Agenda: The session of this Subcommittee will be devoted entirely to the technical review and evaluation of contract proposals submitted in response to a specific Request for Proposals. The Administrator, AHCPR, has made a formal determination that this meeting will not be open to the public. This is necessary to protect the free exchange of views and avoid undue interference with Committee and Department operations, and safeguard confidential proprietary information and personal information concerning individuals associated with the proposals that may be revealed during the sessions. This is in accordance with section 10(d) of the Federal Advisory Committee Act, 5 U.S.C. appendix 2, Department regulations, 45 CFR 11.5(a)(6), and procurement regulations, 48 CFR 315.604(d).

Anyone wishing to obtain information regarding this meeting should contact Karen Harris, Office of Management, Management Systems and Services Branch, Agency for Health Care Policy and Research, Executive Office Center, 2101 E. Jefferson Street, suite 601, Rockville, Maryland 20852, (301) 227-8441.

Dated: June 25, 1992.

J. Jarrett Clinton,

Administrator.

[FR Doc. 92-15538 Filed 7-1-92; 8:45 am]

BILLING CODE 4160-90-M

Agency for Toxic Substances and Disease Registry

Workshop to Assist in Developing a Standardized Test Battery for Lung and Respiratory Diseases for Use in Environmental Health Field Studies: Meeting

The Agency for Toxic Substances and Disease Registry (ATSDR), in association with the University of Iowa College of Medicine, Pulmonary Disease Division (a member of the Association of Occupational and Environmental Clinics), announces the following meeting.

Name: Workshop to Assist in Developing a Standardized Test Battery for Lung and Respiratory Diseases for Use in Environmental Health Field Studies.

Times and Dates: 8 a.m.-5 p.m., August 12, 1992; 8:30 a.m.-5 p.m., August 13, 1992; 8:30 a.m.-2:30 p.m., August 14, 1992.

Place: Days Hotel at Lenox, 3377 Peachtree Road, NE, Atlanta, Georgia 30326.

Status: Open to the public, limited only by the space available. The meeting room accommodates approximately 50 people.

Purpose: This workshop will assist ATSDR in the selection of standardized testing and evaluation methods for investigating the association between respiratory diseases in humans and exposure to hazardous substances in the environment.

Matters to be Considered: Workshop participants will provide comments and individual recommendations to help ATSDR staff in the:

(1) Development of testing and evaluation methods for immediate use in environmental health studies of adults.

(2) Development of testing and evaluation methods for immediate use in environmental health studies of children.

(3) Identification of significant information needs in the implementation of these evaluation methods and criteria for the continuous modification and updating of the standard methods.

Contact Person for More Information: Joyce Smith, Division of Health Studies, ATSDR (MS E31), 1600 Clifton Road, NE., Atlanta, Georgia 30333, telephone (404) 639-6200.

Dated: June 25, 1992.

Elvin Hilyer,

Associate Director for Policy Coordination.

[FR Doc. 92-15528 Filed 7-1-92; 8:45 am]

BILLING CODE 4160-70-M

Centers for Disease Control**[Program Announcement Number 250]****Cooperative Agreement for Conducting Fatality Surveillance and Field Investigations at the State Level Using the NIOSH Fatal Accident Circumstances and Epidemiology Model; Availability of Funds for Fiscal Year 1992****Introduction**

The Centers for Disease Control (CDC), the Nation's prevention agency, announces the availability of fiscal year (FY) 1992 funds for cooperative agreements to build state capacity for conducting traumatic occupational fatality surveillance, targeted investigations and intervention activities through the National Institute for Occupational Safety and Health, NIOSH, Fatal Accident Circumstances and Epidemiology (FACE) model program. The cooperative agreements will significantly strengthen the occupational public health infrastructure by integrating resources for occupational safety and health research and public health prevention programs at the state and local levels. The goal of the project is to show a measurable reduction in traumatic occupational fatalities within states.

The Public Health Service (PHS) is committed to achieving the health promotion and disease prevention objectives of Healthy People 2000, a PHS-led national activity to reduce morbidity and mortality and improve the quality of life. This announcement is related to the priority areas of Occupational Safety and Health and Surveillance and Data Systems. (For ordering a copy of Healthy People 2000, see the section WHERE TO OBTAIN ADDITIONAL INFORMATION.)

Authority

This program is authorized under section 20(a) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 669(a)) and sections 301 (42 U.S.C. 241) and 317 (42 U.S.C. 247(b)) of the Public Health Service Act, as amended.

Eligible Applicants

Eligible applicants are state Departments of Health, Departments of Labor, Departments of Industry, and similar organizations located within any state or territory of the United States. Ineligible applicants include those agencies that conduct occupational fatality investigations and, in doing so, are legally responsible for the determination of compliance with occupational safety and health standards. Awards will be limited to those organizations which can exercise

public health authority for tactical and strategic intervention into occupational safety and health problems. Additionally, only one application per state will be accepted under this cooperative agreement. Stronger consideration will be given to those states or territories submitting applications demonstrating coordination between other relevant agencies within the state. (States currently participating in the project and that are applying for a continuation award into FY 1993, need not reply to this solicitation.)

Availability of Funds

Approximately \$100,000 is available in FY 1992 to fund up to two awards. It is expected that the average award will be \$50,000 ranging from \$47,000 to \$53,000. It is expected that the awards will begin on or about September 30, 1992, and are usually made for a 12-month budget period within a project period of up to 5 years. Funding estimates may vary and are subject to change.

Continuation awards within the project period will be made on the basis of satisfactory progress and the availability of funds.

Purpose

The purpose of this cooperative agreement is to expand the State-Based FACE project into more states. A pilot study for conducting occupational fatality investigations by state-level personnel using the NIOSH FACE model has demonstrated that such programs can be successfully implemented at the state level. The most immediate products of the state level FACE programs have been accurate and verifiable surveillance systems for detecting traumatic occupational fatality events occurring within the state, fatality investigations that identified potential causal factors for occupational trauma, and subsequent recommendations for developing and implementing successful intervention strategies. By stimulating phased development and growth at the state level, this program will permit the states following the FACE model to structure their surveillance, investigation and intervention activities to more efficiently capture input from other investigating state agencies and departments.

Additionally, states will be able to target traumatic occupational, traumatic injury research and prevention programs based on specific state priority areas. FACE data will be shared with all award recipients. The specific objectives for this cooperative agreement are as follows:

1. Develop a timely, comprehensive, multiple source state-level surveillance

system for identifying and recording basic epidemiologic data on all traumatic occupational fatalities occurring within the state.

2. Conduct investigations of selected traumatic occupational fatalities using the NIOSH FACE investigative model.

3. Identify potential risk factors for selected types of traumatic occupational fatalities which will be useful for targeting intervention strategies and prioritizing research efforts.

4. Develop and disseminate preventive recommendations to reduce the risk of fatal occupational injuries within the state.

5. Develop and implement intervention strategies and projects for reducing state incidence of traumatic occupational injuries and fatalities.

6. Develop and implement the statistical capability to show that the state's intervention strategies have produced a measurable reduction in traumatic occupational fatalities.

Program Requirements

The cooperative agreement recipient shall be responsible for conducting the activities under A., below, and CDC will be responsible for conducting the activities under B., below.

A. Recipient Activities

1. Develop a state-based surveillance system for timely identification with collection and recording of epidemiologic (core) data on all traumatic occupational fatalities occurring within the state.

2. Interface the state-based surveillance system with the NIOSH on-line communications network for electronically transmitting FACE data.

3. Conduct in-depth investigations of occupational fatalities resulting from fall-related incidents, electrocutions, and exposure to confined spaces using the NIOSH FACE model for investigation.

4. Develop and submit to CDC a summary report of each fatality investigation which describes the fatal incident and includes recommendations for preventing future occurrences of the specific fatality type.

5. Conduct epidemiologic analysis of common fatal incident circumstances for development of recommendations and information on intervention and prevention techniques, and engineering solutions offering effective remedies.

6. Identify sentinel hazards and contributing circumstances with timely dissemination of recommended solutions to the identified problems through various written media.

7. Identify deficiencies, limitations, or absences of safety standards when occupational fatalities occur during circumstances outside the purview of regular state or Federal enforcement agencies.

8. Implement and evaluate interventions to reduce traumatic occupational fatalities.

9. Attend annual FACE project investigators training program for 3 days in Morgantown, West Virginia.

B. CDC Activities

1. Provide epidemiologic data reporting forms, coding formats, computer software, and state personnel training for electronic transmission of FACE report and epidemiologic data to the NIOSH data base.

2. Provide assistance to awardee staff in establishing traumatic occupational fatality notification networks and for defining roles in providing safety and health referral services.

3. Provide initial training in procedures for conducting on-site fatality investigations using the FACE investigative methodology (including the use of FACE investigative data collection instruments), and provide subsequent on-site technical assistance to state personnel in conducting fatality investigations.

4. Provide assistance in identifying sentinel events resulting from industrial applications of new and emerging technologies.

5. Provide technical assistance in the dissemination of summary reports and other published findings to other state and local health officials, other state and local labor officials, voluntary health groups, workers, management, unions, employers and professional organizations.

6. Provide technical assistance with identifying and evaluating effective intervention strategies.

Evaluation Criteria

Application will be reviewed and evaluated according to the following criteria:

1. Overall quality of the state proposal for identifying, recording and investigating traumatic occupational fatalities within the state using the FACE model. (25%)

2. Completeness of the state's plan for implementing and evaluating interventions to reduce traumatic occupational fatalities. (The number of investigations and intervention activities planned by the applicant for the respective budget period must be specified.) (25%)

3. The qualifications and time commitment of the proposed staff, type

and quality of facilities and equipment, and administrative support for the state-based FACE program. (15%)

4. Demonstration of the need for developing and implementing a state-based occupational surveillance, field investigation and intervention program based on identification of high risk industries and occupations within the state. (15%)

5. Demonstration of collaborative relationships among various relevant state or territorial agencies in addressing the problem of traumatic occupational fatality surveillance, investigation and intervention. (10%)

6. Relevance of the proposal to the scope and objectives announced in the program announcement. (10%)

7. The budget will be evaluated for the extent to which it is reasonable, clearly justified, and consistent with the intended use of cooperative agreement funds. (Not Scored)

Executive Order 12372 Review

Applications are subject to the Intergovernmental Review of Federal Programs as governed by Executive Order 12372. Executive Order 12372 sets up a system for state and local government review of proposed Federal assistance applications. Applicants (other than federally recognized Indian tribal governments) should contact their state Single Point of Contacts (SPOCs) as early as possible to alert them to the prospective applications and receive any necessary instructions on the state process.

For proposed projects serving more than one state, the applicant is advised to contact the SPOC for each affected state. A current list of SPOCs is included in the application kit. If SPOCs have any state process recommendations on applications submitted to CDC, they should forward them to Henry S. Cassell, III, Grants Management Officer, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control, 255 East Paces Ferry Road, NE., Atlanta, Georgia 30305, no later than 60 days after the deadline date for new and competing awards. The granting agency does not guarantee to "accommodate or explain" state process recommendations it receives after that date.

Catalog of Federal Domestic Assistance Number (CFDA)

The Catalog of Federal Domestic Assistance (CFDA) for this program is 93.283.

Other Requirements

Projects that involve the collection of information from 10 or more individuals

and funded by cooperative agreement will be subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act.

Application Submission and Deadline

The original and two copies of the application PHS Form 5161-1 must be submitted to Henry S. Cassell, III, Grants Management Officer, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control, room 300, 255 East Paces Ferry Road, NE., Atlanta, Georgia 30305, on or before August 1, 1992.

1. Deadline

Applications shall be considered as meeting the deadline if they are either:

A. Received on or before the deadline date, or

B. Sent on or before the deadline date and received in time for submission to the review group. Applicants must request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or the U.S. Postal Service as proof of timely mailing.

2. Late Applications

Applications which do not meet the criteria in 1.A. or 1.B. above are considered late applications, will not be considered in the current competition, and will be returned to the applicant.

Where to Obtain Additional Information

A complete program description, information on application procedures, an application package and business management technical assistance may be obtained from Oppie M. Byrd, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control, 255 East Paces Ferry Road, NE., Mailstop E-14, room 300, Atlanta, Georgia 30305, (404) 842-6630. Programmatic technical assistance may be obtained from the following contacts: Louis D. Smith, Project Officer, Trauma Investigation Section, Surveillance and Field Investigations Branch, NIOSH/Division of Safety Research, 944 Chestnut Ridge Road, Morgantown, West Virginia 26505, (304) 291-4575, or Timothy J. Pizatella, Chief, Surveillance and Field Investigations Branch, NIOSH/Division of Safety Research, 944 Chestnut Ridge Road, Morgantown, West Virginia 26505-2888, (304) 291-4885.

Please refer to Announcement Number 250, when requesting information and submitting an application.

Potential applicants may obtain a copy of Healthy People 2000 (Full Report, Stock No. 017-001-00474-0) or Healthy People 2000 (Summary Report, Stock No. 017-001-00473-1), referenced in the INTRODUCTION, through the Superintendent of Documents, Government Printing Office, Washington, DC 20402-9325 (Telephone (202) 783-3238).

Dated: June 26, 1992.

J. Donald Millar,

Director, National Institute for Occupational Safety and Health Centers for Disease Control.

[FR Doc. 92-15527 Filed 7-1-92; 8:45 am]

BILLING CODE 4160-19-M

Food and Drug Administration

[Docket No. 92N-0272]

Drug Export; Mentane® (Velnacrine Maleate) Capsules

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Hoechst-Roussel Pharmaceuticals Inc., has filed an application requesting approval for the export of the human drug Mentane® (velnacrine maleate) capsules to the United Kingdom.

ADDRESSES: Relevant information on this application may be directed to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 1-23, 12420 Parklawn Dr., Rockville, MD 20857, and to the contact person identified below. Any future inquiries concerning the export of human drugs under the Drug Export Amendments Act of 1986 should also be directed to the contact person.

FOR FURTHER INFORMATION CONTACT: James E. Hamilton, Division of Drug Labeling Compliance (HFD-313), Center for Drug Evaluation and Research, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-295-8073.

SUPPLEMENTARY INFORMATION: The drug export provisions in section 802 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 382) provide that FDA may approve applications for the export of drugs that are not currently approved in the United States. Section 802(b)(3)(B) of the act sets forth the requirements that must be met in an application for approval. Section 802(b)(3)(C) of the act requires that the agency review the application within 30 days of its filing to determine whether the requirements of section 802(b)(3)(B)

have been satisfied. Section 802(b)(3)(A) of the act requires that the agency publish a notice in the *Federal Register* within 10 days of the filing of an application for export to facilitate public participation in its review of the application. To meet this requirement, the agency is providing notice that Hoechst-Roussel Pharmaceuticals Inc., P.O. Box 2500, Somerville, NJ 08876-1258, has filed an application requesting approval for the export of the human drug Mentane® (velnacrine maleate) capsules to the United Kingdom. This drug is indicated for use in the symptomatic treatment of patients with mild to moderate Alzheimer's disease. The application was received and filed in the Center for Drug Evaluation and Research on June 5, 1992, which shall be considered the filing date for purposes of the act.

Interested persons may submit relevant information on the application to the Dockets Management Branch (address above) in two copies (except that individuals may submit single copies) and identified with the docket number found in brackets in the heading of this document. These submissions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

The agency encourages any person who submits relevant information on the application to do so by July 13, 1992, and to provide an additional copy of the submission directly to the contact person identified above, to facilitate consideration of the information during the 30-day review period.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (sec. 802 (21 U.S.C. 382)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Center for Drug Evaluation and Research (21 CFR 5.44).

Dated: June 24, 1992.

Sammie R. Young,

Acting Director, Office of Compliance, Center for Drug Evaluation and Research.

[FR Doc. 92-15539 Filed 7-1-92; 8:45 a.m.]

BILLING CODE 4160-01-F

Health Resources and Services Administration

Announcement of Cycle for Rural Health Medical Education Demonstration Projects

The Health Resources and Services Administration (HRSA), in coordination with the Health Care Financing Administration (HCFA), announces that proposals for fiscal year 1992 Rural Health Medical Education

Demonstration Projects are being accepted under the authority of section 4038 of the Omnibus Budget Reconciliation Act of 1987 (Pub. L. 100-203) (the Act), as amended by the Omnibus Budget Reconciliation Act of 1989 (Pub. L. 101-239).

Section 4038, as amended, authorizes Rural Health Medical Education Demonstration Projects to assist physicians to develop clinical experience in rural areas using payment for graduate medical education under the Social Security Act and requires the Secretary of Health and Human Services to enter into Agreements with 10 teaching hospitals as sponsors of the demonstration projects. Five demonstration projects are ongoing and five more could be effected under section 4038.

Eligible hospitals are those which currently receive payments for direct and indirect graduate medical education costs as defined under Medicare. These hospitals may be public or private entities, nonprofit or for profit. These projects will be for a 3 year period and are intended to assist resident physicians in developing field experience in rural areas.

Under these agreements, each of the sponsoring hospitals will make arrangements with a small rural hospital to provide for resident rotations for a period of 1 to 3 months for physicians who have completed at least 1 year of residency training in family practice, osteopathic general practice, primary care internal medicine, or primary care pediatrics. The number of physicians and the duration of the rotation is to be a part of the arrangements between the sponsoring hospital and the rural hospital.

For the purposes of these projects, payments made for the indirect costs of graduate medical education, pursuant to section 1886(d)(5)(B) of the Social Security Act and 42 CFR 412.105, for any part of a year that a resident works at a small rural hospital, will be treated as if the resident was working at the sponsoring hospital, and not as if the resident was working in the small rural hospital. All other requirements set forth in 42 CFR 412.105 will apply. In addition, in order to be counted, the resident's time spent in the rural hospital must count toward certification as part of an approved program under 42 CFR 413.86(b).

Medicare's share of the direct graduate medical education costs of the sponsoring hospital will be increased for the duration of the project to meet any reasonable additional direct costs incurred for the education and training

of resident physicians at the rural site. The sponsoring hospital will be required to account separately for the costs of the demonstration project. Medicare will reimburse the sponsoring hospital for Medicare's share of the additional costs the hospital incurs in connection with the project under the reasonable cost authority methodology described in section 1861(v) of the Act. Reimbursement for these costs will be in addition to the hospital's payment under section 1886(h).

It should be noted that direct costs may be claimed only once and will not be reimbursed under both sections 1886(h) and 1861(v).

In this demonstration an emphasis is being placed on cost effectiveness of the projects. Proposed projects will be evaluated on the reasonableness and cost effectiveness demonstrated in the description of additional costs associated with the project which would be reimbursed under a reasonable cost methodology. These costs are to be estimated for each of the 3 years of the demonstration project. The costs and the cost effectiveness of a proposed project will be considered during the review of proposals.

Additional costs may include arrangements for supervision of the residents at the rural site, housing of the residents, and travel by residents and supervisors from the sponsoring hospital. Any reimbursement request for additional costs will require review by the Medicare intermediaries to determine the accuracy and reasonableness of the claim. Teaching hospitals wishing to apply should note that Medicare will only reimburse the sponsoring hospitals for Medicare's share of the cost. The sponsoring hospital will have to seek reimbursement from other payers for costs of the demonstration related to non-Medicare patients. Sponsoring teaching hospitals should note that residents participating in the project may be counted as "on-site" or "off-site" personnel for purposes of determining direct medical education costs; however, each resident may be counted only once.

It should be noted that there will be no reimbursements directly to rural hospitals. All reimbursements associated with the demonstration projects will be made to the sponsoring hospital.

Project Criteria

Agreements for Rural Health Medical Education Demonstration Projects will be entered into only after proposals for participation are received and a review is conducted by the Department. The following project criteria were

established in 1989 after receipt of public comments and will be used in FY 1992.

(1) Only residents from family medicine, osteopathic general practice, primary care internal medicine, or primary care pediatric residency programs will be eligible for participation in the demonstration projects. All residents participating in the project must have completed at least 1 year of resident training.

(2) For the purpose of this demonstration, a small rural hospital is defined as a general hospital of 100 or fewer inpatient beds available for the lodging of patients, excluding newborn beds (except those in intensive care units), skilled nursing beds and beds in any distinct part of the hospital not subject to the Medicare prospective payment system, e.g., psychiatric beds and postoperative beds. The hospital must be located in a county that is not included in either a Metropolitan Statistical Area or a New England County Metropolitan Area as determined by the Office of Management and Budget (OMB). The Department considers hospitals of 100 beds or fewer as offering training opportunities significantly different from experience offered at most hospitals which sponsor graduate medical education. To participate in the demonstration, a rural hospital must maintain its "rural" status throughout the demonstration for Medicare payment purposes.

Hospitals interested in entering into an agreement with the Department should notify HRSA. Materials regarding entry into an agreement will be sent only to those programs and hospitals making a request. Requests for proposal instructions and other questions should be directed to: Glenn Taylor, Primary Care Medical Education Branch, Division of Medicine, Bureau of Health Professions, Health Resources and Services Administration, Parklawn Building, room 4C-04, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443-6820.

The proposal instructions have been approved by OMB under the Paperwork Reduction Act. The OMB clearance number is 0915-0145.

To receive consideration to enter into an agreement with the Department to conduct a demonstration project, a project proposal should be received by August 31, 1992. Proposals shall be considered as meeting the deadline if they are either:

- (1) Received on or before the deadline date, or
- (2) Postmarked on or before the deadline and received in time for

review. A legibly dated receipt from a commercial carrier or U.S. Postal Service will be accepted in lieu of a postmark. Private metered postmarks shall not be acceptable as proof of timely mailing.

Late proposals not accepted for processing will be returned to the applicant.

This program, Rural Health Medical Education Demonstration Projects, is listed at 93.906 in the *Catalog of Federal Domestic Assistance*. The review of proposals under this demonstration are not subject to the requirements of Executive Order 12372, Intergovernmental Review of Federal Programs (as implemented through 45 CFR part 100).

Dated: April 20, 1992.

John H. Kelso,

Acting Administrator.

[FR Doc. 92-15540 Filed 7-1-92; 8:45 am]

BILLING CODE 4160-15-M

National Institutes of Health

National Center for Research Resources; Meeting of the Research Centers in Minority Institutions Review Committee

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Research Centers in Minority Institutions Review Committee, National Center for Research Resources, National Institutes of Health.

This meeting will be open to the public as listed below for a brief staff presentation on the current status of the Research Centers in Minority Institutions Program and the selection of future meeting dates. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5, U.S.C. and section 10(d) of Public Law 92-463, the meeting will be closed to the public as listed below for the review, discussion and evaluation of individual grant applications submitted to the Research Centers in Minority Institutions Program. These applications and the discussion could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. James J. Doherty, Acting Information Officer, National Center for Research Resources, National Institutes of Health, Westwood Building, room

10A15, Bethesda, Maryland 20892, (301) 496-5545, will provide a summary of the meeting and a roster of the Committee members upon request. Other information pertaining to the meeting can be obtained from the Scientific Review Administrator.

Name of Committee: Research Centers in Minority Institutions Program.

Scientific Review Administrator: Dr. John Lyman, Research Centers in Minority Institutions Review Committee, Office of Review, National Center for Research Resources, National Institutes of Health, 5333 Westbard Avenue, room 10A16, Bethesda, Maryland 20892, Telephone: 301/496-4390.

Date of Meeting: July 13-14, 1992.

Place of Meeting: National Institutes of Health, 9000 Rockville Pike, Building 31, Conference Room 7, Bethesda, MD 20892.

Open: July 13, 8:30 a.m.-10:30 a.m.

Agenda: Report and review of administrative details.

Closed: July 13, 10:30 a.m.—Recess, July 14, 8:30 a.m.—Adjournment.

Closure Reason: To review grant applications.

(Catalog of Federal Domestic Assistance Program No. 93.389, Research Centers in Minority Institutions, National Institutes of Health)

Dated: June 23, 1992.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 92-15636 Filed 7-1-92; 8:45 am]

BILLING CODE 4140-01-M

National Institutes of Health National Cancer Institute

Meeting (President's Cancer Panel Special Commission on Breast Cancer)

Pursuant to Public Law 92-463, notice is hereby given of a meeting of the President's Cancer Panel Special Commission on Breast Cancer, National Cancer Institute, July 8, 1992, at the Doubletree Park West Hotel, 1590 LBJ Freeway, Dallas, Texas 75234.

This meeting will be open to the public on July 8, 1992, 9 a.m. to 11:45 a.m. and from 1:30 p.m. to 5 p.m. Attendance will be limited to space available.

Agenda items will include remarks by the Chairman, President's Cancer Panel Special Commission on Breast Cancer, presentations on basic breast cancer research and discussion by the Commission members.

In accordance with provisions set forth in secs. 552b(c)(6), Title 5, U.S.C. and sec. 10(d) of Public Law 92-463, the meeting will be closed from 11:45 a.m. to 1:30 p.m. for discussion of professional merits and qualifications of named individuals in order to select presenters for future meetings, the disclosure of which would constitute a clearly unwarranted invasion of personal

privacy. Resumption of the open meeting will begin at 1:30 p.m. and adjourn at 5 p.m.

Ms. Iris Schneider, Acting Executive Secretary, President's Cancer Panel Special Commission on Breast Cancer, National Cancer Institute, Building 31, room 11A48, National Institutes of Health, Bethesda, Maryland 20892, (301) 496-5534 will provide a roster of the Commission members and substantive program information upon request.

(Catalog of Federal Domestic Assistance Program Numbers: 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control.)

Dated: June 22, 1992.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 92-15635 Filed 7-1-92; 8:45 am]

BILLING CODE 4140-01-M

National Library of Medicine; Special Meeting of the Biomedical Library Review Committee

Pursuant to Public Law 92-463, notice is hereby given of a special meeting of the Biomedical Library Review Committee on July 7, 1992, convening at 9 a.m. in the fifth-floor Conference Room of the National Library of Medicine, Lister Hill Center Building, 8600 Rockville Pike, Bethesda, Maryland. This meeting will be open to the public from 9 a.m. to 9:15 a.m. for opening remarks and administrative details. Attendance by the public will be limited to space available.

In accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5, U.S.C., and sec. 10(d) of Public Law 92-463, the meeting will be closed to the public for the review, discussion, and evaluation of individual grant applications from 9:15 a.m. to approximately 4 p.m. These applications and the discussion could reveal confidential trade secrets or commercial property, such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Frances E. Johnson, Scientific Review Administrator, and Program Officer, Biomedical Information Support Branch, Extramural Programs, National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland 20894, telephone number: 301-496-4221, will provide a summary of the meeting, rosters of the

committee members, and other information pertaining to the meeting.

(Catalog of Federal Domestic Assistance Program No. 93.879—Medical Library Assistance, National Institutes of Health)

Dated: June 22, 1992.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 92-15634 Filed 7-1-92; 8:45 am]

BILLING CODE 4140-01-M

Division of Research Grants Meetings

Pursuant to Public Law 92-463, notice is hereby given of meetings of the Division of Research Grants Behavioral and Neurosciences Special Emphasis Panel.

These meetings will be open to the public to discuss administrative details relating to Special Emphasis Panel business for approximately one half hour at the beginning of each meeting. Attendance by the public will be limited to space available. These meetings will be closed thereafter in accordance with the provisions set forth in section 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. and section 10(d) of Public Law 92-463, for the review, discussion and evaluation of individual grant applications in the areas of the behavioral and neurosciences. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The Office of Committee Management, Divisions of Research Grants, Westwood Building, National Institutes of Health, Bethesda, Maryland 20892, telephone 301-496-7534, will furnish summaries of the meetings and rosters of panel members. Substantive program information may be obtained from each Scientific Review Administration whose telephone number is provided. Since it is necessary to announce meetings well in advance of the actual meeting, it is suggested that anyone planning to attend contact the Scientific Review Administration to confirm the exact date, time and location.

Meeting to Review Individual Grant Applications in the Areas of the Behavioral and Neurosciences:

Scientific Review Administrator: Dr.

Teresa Levitin, (301) 496-7025

Date of Meeting: July 2, 1992

Place of Meeting: Embassy Suites

Hotel, Washington, DC

Time of Meeting: 9 a.m.

Meeting to Review Individual Grant Applications in the Areas of the Behavioral and Neurosciences:

Scientific Review Administrator: Dr. Teresa Levitin, (301) 496-7025

Date of Meeting: July 2, 1992

Place of Meeting: Embassy Suites Hotel, Washington, DC

Time of Meeting: 11 a.m.

Meeting to Review Small Business Innovation Research Program Applications:

Scientific Review Administrator: Dr. Teresa Levitin, (301) 496-7025

Date of Meeting: July 14, 1992

Place of Meeting: Embassy Suites Hotel, Washington, DC

Time of Meeting: 9 a.m.

Meeting to Review Small Business Innovation Research Program Applications:

Scientific Review Administrator: Dr. Peggy McCardle (301) 496-7640

Date of Meeting: July 24, 1992

Place of Meeting: Holiday Inn, Chevy Chase, MD

Time of Meeting: 8:30 a.m.

Meeting to Review Small Business Innovation Research Program Applications:

Scientific Review Administrator: Dr. Anita Sostek (301) 496-8814

Date of Meeting: July 13-14, 1992

Place of Meeting: Embassy Suites Hotel, Washington, DC

Time of Meeting: 9 a.m.

Meeting to Review Individual Grant Applications in the Areas of the Behavioral and Neurosciences:

Scientific Review Administrator: Dr. Anita Sostek (301) 496-8814

Date of Meeting: July 20, 1992

Place of Meeting: Westwood Bldg., Room 319C, NIH, Bethesda, MD (Telephone Conference)

Time of Meeting: 1 p.m.

Meeting to Review Individual Grant Applications in the Areas of the Behavioral and Neurosciences:

Scientific Review Administrator: Dr. Anita Sostek (301) 496-8814

Date of Meeting: July 21, 1992

Place of Meeting: Westwood Bldg., Room 319C, NIH, Bethesda, MD (Telephone Conference)

Time of Meeting: 1 p.m.

Meeting to Review Small Business Innovation Research Program Applications:

Scientific Review Administrator: Dr. Joseph Kimm (301) 496-7494

Date of Meeting: July 21, 1992

Place of Meeting: Embassy Suites Hotel, Chevy Chase, MD

Time of Meeting: 9 a.m.

Meeting to Review Individual Grant Applications in the Areas of the Behavioral and Neurosciences:

Scientific Review Administrator: Ms.

Carol Cambell (301) 496-7109

Date of Meeting: July 15, 1992

Place of Meeting: Westwood Bldg., Room 306B, NIH, Bethesda, MD (Telephone Conference)

Time of Meeting: 2:30 p.m.

Meeting to Review Small Business Innovation Research Program Applications:

Scientific Review Administrator: Dr. Jane Hu (301) 496-7550

Date of Meeting: July 17, 1992

Place of Meeting: Holiday Inn, Chevy Chase, MD

Time of Meeting: 9 a.m.

Meeting to Review Small Business Innovation Research Program Applications:

Scientific Review Administrator: Dr. Keith Murray (301) 496-7058

Date of Meeting: July 31, 1992

Place of Meeting: Omni Georgetown Hotel, Washington, DC

Time of Meeting: 9 a.m.

Meeting to Review Small Business Innovation Research Program Applications:

Scientific Review Administrator: Dr. Leonard Jakubczak

Date of Meeting: July 27, 1992

Place of Meeting: Marriott Hotel, Pooks Hill, Bethesda, MD

Time of Meeting: 9 a.m.

Meeting to Review Individual Grant Applications in the Areas of the Behavioral and Neurosciences:

Scientific Review Administrator: Dr. Leonard Jakubczak

Date of Meeting: July 27, 1992

Place of Meeting: Marriott Hotel, Pooks Hill, Bethesda, MD

Time of Meeting: 1 a.m.

(Catalog of Federal Domestic Assistance Program Nos. 93.306, 93.333, 93.337, 93.393-93.396, 93.837-93.844, 93.846-93.878, 93-892, 93.893, National Institutes of Health, HHS)

Dated: June 23, 1992.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 92-15633 Filed 7-1-92; 8:45 am]

BILLING CODE 4140-01-M

Social Security Administration

Agency Forms Submitted to the Office of Management and Budget for Clearance

Each Friday the Social Security Administration publishes a list of information collection packages that have been submitted to the Office of Management and Budget (OMB) for clearance in compliance with Public Law 96-511, The Paperwork Reduction Act. The following clearance packages have been submitted to OMB since the last list was published in the Federal Register on June 19, 1992.

(Call Reports Clearance Officer on (410) 965-4149 for copies of package)

1. Request for Change in Time/Place of Disability Hearing—0960-0348. The information on form SSA-769 is used by the Social Security Administration (SSA) to provide claimants with a means to request a change in the time or place of their disability hearings. The respondents are claimants who request that the time or place of their disability hearing be changed.

Number of Respondents: 2,414.

Frequency of Response: 1.

Average Burden Per Response: 8 minutes.

Estimated Annual Burden: 322 hours.

2. Beneficiary Recontact Report—0960-0502. The information on form SSA-1588 is used by SSA to recontact mothers, fathers or children in direct payment to determine if they are still entitled. The respondents are beneficiaries who are in the "high risk" area and are, therefore, most prone to overpayments.

Number of Respondents: 241,260.

Frequency of Response: 1.

Average Burden Per Response: 5 minutes.

Estimated Annual Burden: 20,105 hours.

3. Domestic Service Questionnaire—0960-0047. The information on form SSA-7155 is used to determine if the domestic services performed by an individual in the home of a son or daughter are covered employment under the Social Security Act. The respondents are sons or daughters who employ claimants for benefits as domestics.

Number of Respondents: 20,000.

Frequency of Response: 1.

Average Burden Per Response: 30 minutes.

Estimated Annual Burden: 10,000 hours.

4. Application for Supplemental Security Income—0960-0444. The information on form SSA-8001 is used by SSA to make a determination of eligibility for Supplemental Security Income payments (SSI). This form is used when only an abbreviated application is necessary. The respondents are applicants for SSI payments who wish formal non-disability determinations on their applications.

Number of Respondents: 1,090,000.

Frequency of Response: 1.

Average Burden Per Response: 10 minutes.

Estimated Annual Burden: 181,667 hours.

OMB Desk Officer: Laura Oliven.

Written comments and recommendations regarding these

information collections should be sent directly to the appropriate OMB Desk Officer designated above at the following address: OMB Reports Management Branch, New Executive Office Building, room 3208, Washington, DC 20503.

Dated: June 25, 1992.

Judy Hasche,

Acting Reports Clearance Officer, Social Security Administration.

[FR Doc. 92-15435 Filed 7-1-92; 8:45 am]

BILLING CODE 4190-29-M

Privacy Act of 1974; Computer Matching Programs—SSA-DVA

AGENCY: Social Security Administration (SSA), Department of Health and Human Services (HHS).

ACTION: Publication of notice of computer matching to comply with Public Law (Pub. L.) 100-503, the Computer Matching and Privacy Protection Act of 1988.

SUMMARY: We are publishing a notice of the computer matching program that SSA conducts with the Supplemental Security Income Record (SSR) and the Department of Veterans Affairs (DVA) records. This matching program is subject to the requirements of Pub. L. 100-503. The purpose of this publication is to meet the reporting and publication requirements of Pub. L. 100-503.

DATES: We filed a report of the subject matching program with the Committee on Governmental Affairs of the Senate and the Committee on Government Operations of the House of Representatives and Office of Information and Regulatory Affairs, Office of Management and Budget on June 26, 1992. The matching program is effective as indicated in the notice that appears in this publication below.

ADDRESSES: Interested parties may comment on this notice by writing to the Associate Commissioner for Supplemental Security Income, 300 Altmeyer Bldg., 6401 Security Boulevard, Baltimore, MD 21235. All comments received will be available for public inspection at this address.

FOR FURTHER INFORMATION CONTACT: The Associate Commissioner for Supplemental Security Income at the address above.

SUPPLEMENTARY INFORMATION:

A. General

Pub. L. 100-503, the Computer Matching and Privacy Protection Act of 1988, amended the Privacy Act (5 U.S.C.

552a) by adding certain protections for individuals applying for and receiving Federal benefits. Section 7201 of Pub. L. 101-508, The Computer Matching and Privacy Protection Amendments of 1990, further amended the Privacy Act regarding protections for such individuals. The Privacy Act regulates the use of computer matching by Federal agencies when records in a system of records are matched with other Federal, State, and local government records. The amendments require Federal agencies involved in computer matching programs to:

- (1) Negotiate written agreements with source agencies;
- (2) Provide notification to applicants and beneficiaries that their records are subject to matching;
- (3) Verify match findings before reducing, suspending or terminating an individual's benefits or payments;
- (4) Furnish detailed reports to Congress and the Office of Management and Budget; and
- (5) Establish a Data Integrity Board (DIB) that must approve match agreements.

B. SSA Computer Matches Subject to Pub. L. 100-503

We have taken action to ensure that all of SSA's computer matching programs which were being conducted prior to enactment of Pub. L. 100-503 comply with the requirements of the Privacy Act. Included below is a brief description of a match that SSA will be conducting as of July 1, 1992 or later. Also included in this publication is a detailed notice of the match.

SSR/DVA Matching Program

Purpose: To enable SSA to determine eligibility for, and entitlement to Supplemental Security Income (SSI) payments by identifying SSI applicants and recipients who received payments from DVA on the basis of their military service and the amount of those payments.

Dated: June 26, 1992.

Gwendolyn S. King,

Commissioner of Social Security.

Notice of Computer Matching Program, Social Security Administration (SSA), Supplemental Security Income Record (SSR) Matching With Department of Veterans Affairs (DVA) Records

A. Participating Agencies

SSA and DVA.

B. Purpose of the Matching Program

Section 1631(e)(1)(B) of the Social Security Act (the Act) requires SSA to

verify the allegations of applicants for and recipients of Supplemental Security Income (SSI) payments before making a determination of eligibility or payment amount. Section 1631(f) of the Act requires Federal agencies to furnish SSA with information necessary to verify SSI eligibility. The purpose of this matching program is to identify SSI applicants and recipients who received DVA-administered benefits and the amount of those benefits. SSA will use the information in determining eligibility for, or amount of, SSI payments.

C. Authority for Conducting the Match

Sections 1631(e)(1)(B) and 1631(f) of the Act (42 U.S.C. 1383(e)(1)(B) and 1383(f)) and 5 U.S.C. 552a(b)(3) and routine uses established thereunder.

D. Categories of Records and Individuals Covered by the Match

SSA will match compensation and pension (C&P) information received from the DVA system of records entitled Compensation, Pension, Education, and Rehabilitation Record (last published April 17, 1991, at 56 FR 15667) with SSA's Supplementary Security Income Record (SSR) (last published on April 9, 1992 at 57 FR 12329-12331). The SSA's SSR contains identifying and payment information about individuals applying for payments under the SSI program established under title XVI of the Act. DVA's C&P data consists of information pertaining to benefits paid by DVA on the basis of an individual's military service.

E. Inclusive Dates of the Match

The matching program will begin 30 days after publication in the FR or 30 days after agreements by the parties participating in the match have been submitted to Congress and the Office of Management and Budget, whichever is later. The matching program will continue for 18 months from the beginning date and may be extended for an additional 12 months thereafter.

F. Address for Receipt of Public Comments or Inquiries

Individuals wishing to comment on this matching program should submit comments to the Associate Commissioner for Supplemental Security Income, 300 Altmeyer Bldg., 6401 Security Blvd., Baltimore, MD 21235.

[FR Doc. 92-15620 Filed 7-1-92; 8:45 am]

BILLING CODE 4190-29-M

Privacy Act of 1974; Computer Matching Programs—SSA-RRB

AGENCY: Social Security Administration (SSA), Department of Health and Human Services (HHS).

ACTION: Publication of notice of Computer Matching to comply with Public Law (Pub. L.) 100-503, the Computer Matching and Privacy Protection Act of 1988.

SUMMARY: We are publishing a notice of the computer matching program that SSA proposes to conduct with the Supplemental Security Income Record (SSR) and Railroad Retirement Board (RRB) records. This matching program is subject to the requirements of Pub. L. 100-503. The purpose of this publication is to meet the reporting and publication requirements of Pub. L. 100-503. This proposed matching program has been approved by the HHS Data Integrity Board. We note, however, that the proposed matching program has not been approved by the RRB Data Integrity Board. We expect such approval in the near future.

DATES: We filed a report of the subject SSA matching program with the Committee on Governmental Affairs of the Senate and the Committee on Government Operations of the House of Representatives and Office of Information and Regulatory Affairs, Office of Management and Budget on June 28, 1992. This matching program is effective as indicated in the notice that appears in this publication below.

ADDRESSES: Interested parties may comment on this notice by writing to the Associate Commissioner for Supplemental Security Income, 300 Altmeyer Bldg., 6401 Security Boulevard, Baltimore, MD 21235. All comments received will be available for public inspection at this address.

FOR FURTHER INFORMATION CONTACT: The Associate Commissioner for Supplemental Security Income at the address above.

SUPPLEMENTARY INFORMATION:

A. General

Pub. L. 100-503, the Computer Matching and Privacy Protection Act of 1988, amended the Privacy Act (5 U.S.C. 552a) by adding certain protections for individuals applying for and receiving Federal benefits. Section 7201 of Pub. L. 101-508, The Computer Matching and Privacy Protection Amendments of 1990, further amended the Privacy Act regarding protections for such individuals. The Privacy Act regulates the use of computer matching by Federal agencies when records in a system of

records are matched with other Federal, State, and local government records. The amendments require Federal agencies involved in computer matching programs to:

- (1) Negotiate written agreements with source agencies;
- (2) Provide notification to applicants and beneficiaries that their records are subject to matching;
- (3) Verify match findings before reducing, suspending or terminating an individual's benefits or payments;
- (4) Furnish detailed reports to Congress and the Office of Management and Budget; and
- (5) Establish a Data Integrity Board (DIB) that must approve match agreements.

B. SSA Computer Matches Subject to Pub. L. 100-503

We have taken action to ensure that all of SSA's computer matching programs comply with the requirements of the Privacy Act. Included below is a brief description of a match that SSA proposes to conduct as of December 1, 1992 or later. Also included in this publication is a detailed notice of the match.

SSR/RRB Matching Program

Purpose: To enable SSA to determine eligibility for, and entitlement to Supplemental Security Income (SSI) payments.

Dated: June 28, 1992.
Gwendolyn S. King,
Commissioner of Social Security.

Notice of Computer Matching Program, Social Security Administration (SSA), Supplemental Security Income Record (SSR) Matching With Railroad Retirement Board (RRB) Records

A. Participating agencies

SSA and RRB

B. Purpose of the matching program

Section 1631(e)(1)(B) of the Social Security Act (the Act) requires SSA to verify the allegations of applicants for and recipients of Supplemental Security Income (SSI) payments before making a determination of eligibility or payment amount. Section 1631(f) of the Act requires Federal agencies to furnish SSA with information necessary to verify SSI eligibility. The purpose of this matching program is to identify SSI recipients who receive RRB pension payments. SSA will use the information in determining eligibility for, or amount of, SSI payments.

C. Authority for conducting the match

Sections 1631(e)(1)(B) and 1631(f) of the Act (42 U.S.C. 1383(e)(1)(B) and 1383(f)).

D. Categories of records and individuals covered by the match

SSA will match identifying and pension annuity information received from RRB's system of records entitled Checkwriting Integrated Computer Operation Benefit Payment Master with the Supplementary Security Income Board (SSR) (last published on April 9, 1992 at 57 FR 12329-12331). The SSA's SSR contains identifying and payment information about individuals applying for payments under the title XVI program.

E. Inclusive dates of the match

The matching program shall become effective upon the signature of all the parties to this agreement or 30 days after the agreement has been submitted to Congress and the Office of Management and Budget, whichever is later. The matching program will continue for 18 months from the effective date and may be extended for an additional 12 months thereafter.

F. Address for receipt of public comments or inquiries

Individuals wishing to comment on this matching program should submit comments to the Associate Commissioner for Supplemental Security Income, 300 Altmeyer Bldg., 6401 Security Blvd., Baltimore, MD 21235.

[FR Doc. 92-15620 Filed 7-1-92; 8:45 am]
BILLING CODE 4190-29-M

Privacy Act of 1974; Computer Matching Programs—SSA-OPM

AGENCY: Social Security Administration (SSA), Department of Health and Human Services (HHS).

ACTION: Publication of notice of computer matching to comply with Public Law (Pub. L.) 100-503, the Computer Matching and Privacy Protection Act of 1988.

SUMMARY: We are publishing notices of some of the computer matching programs that SSA conducts that are subject to the requirements of Pub. L. 100-503. The purpose of this publication is to meet the reporting and publication requirements of Pub. L. 100-503.

DATES: We filed a report of the subject SSA matching programs with the Committee on Governmental Affairs of the Senate and the Committee on

Government Operations of the House of Representatives and Office of Information and Regulatory Affairs, Office of Management and Budget on June 26, 1992. The matching programs are effective as indicated below.

ADDRESSES: Interested parties may comment on this notice by writing to the Associate Commissioner for Program and Integrity Reviews, 860 Altmeyer Bldg., 6401 Security Boulevard, Baltimore, MD 21235. All comments received will be available for public inspection at this address.

FOR FURTHER INFORMATION CONTACT: The Associate Commissioner for Program and Integrity Reviews at the address above.

SUPPLEMENTARY INFORMATION:

A. General

Pub. L. 100-503, the Computer Matching and Privacy Protection Act of 1988, amended the Privacy Act (5 U.S.C. 552a) by adding certain protections for individuals applying for and receiving Federal benefits. The law regulates the use of computer matching by Federal agencies when records in a system of records are matched with other Federal, State, and local government records. The amendments require Federal agencies involved in computer matching programs to:

- (1) Negotiate written agreements with source agencies;
- (2) Provide notification to applicants and beneficiaries that their records are subject to matching;
- (3) Verify match findings before reducing, suspending or terminating an individual's benefits or payments;
- (4) Furnish detailed reports to Congress and the Office of Management and Budget; and
- (5) Establish a Data Integrity Board (DIB) that must approve match agreements.

B. SSA Computer Matches Subject to Pub. L. 100-503

We have taken action to ensure that all of SSA's computer matching programs comply with the requirements of Pub. L. 100-503. Included below is a brief description of several matches that SSA will be conducting as of July 1, 1992 or later. Also included in this publication are detailed notices of each of the matches.

- (1) **SSA Matching with Office of Personnel Management (OPM)—MBR/OPM Government Pension Offset**
Purpose: To identify auxiliary title II RSDI beneficiaries who also are receiving a Federal Government pension benefit, as a retired civil

service employee.

- (2) **SSA Matching with OPM—MBR/OPM Windfall Elimination Provision**

Purpose: To identify title II RSDI beneficiaries who also are receiving a Federal Government pension benefit.

- (3) **SSA Matching with OPM—SSR/OPM**

Purpose: To identify SSI recipients with unreported or underreported unearned income from civil service pensions.

- (4) **SSA Matching with OPM—MBR/OPM Public Disability Offset**

Purpose: To identify individuals who are receiving title II DI benefits who are also receiving a Federal Government pension benefit.

Dated: June 26, 1991.

Gwendolyn S. King,

Commissioner of Social Security.

Notice of Computer Matching Program, Social Security Administration (SSA), Master Beneficiary Record (MBR) Matching with Office of Personnel Management (OPM) Records, Government Pension Offset (GPO)

A. Participating agencies

SSA and OPM.

B. Purpose of the matching program

Section 202 of the Social Security Act (the Act) requires that SSA reduce the Social Security benefits of certain beneficiaries entitled to Social Security spouses' benefits who are also entitled to a government pension based on their own noncovered earnings. This reduction is referred to as the GPO. SSA will match OPM's civil service and payment data with SSA's record of beneficiaries receiving spouses' benefits to determine those who are subject to the GPO. SSA will match the OPM data to verify information provided by the SSA beneficiary at the time he/she initially applies for Social Security benefits and on a continuing basis to ensure that any reduction in Social Security benefits is based on the current pension amount.

C. Authority for conducting the matching program

Section 215 of the Social Security Act (42 U.S.C. 415) and 5 U.S.C. 552a(b)(3) and routine uses established thereunder.

D. Categories of records and individuals covered by the match

The SSA records involved in the match are payment records maintained in the Master Beneficiary Record (MBR) system (last published in the *Federal Register* (FR) on April 9, 1992 (57 FR

12322, 12326)). The MBR maintains records about individuals who are claimants for, or beneficiaries of, title II Retirement, Survivors, or Disability Insurance benefits. The OPM records consist of benefit and pension data from its system of records entitled OPM/Central—1 Civil Service Retirement and Insurance Record.

E. Inclusive dates of the match

The matching program will begin on July 1, 1992 or 30 days after agreements by the parties participating in the match have been submitted to Congress and the Office of Management and Budget, whichever is later. The matching program will continue for 18 months from the beginning date and may be extended for an additional 12 months thereafter.

F. Address for receipt of public comments or inquiries

Individuals wishing to comment on this matching program should submit comments to the Associate Commissioner for Program and Integrity Reviews, 860 Altmeyer Bldg., 6401 Security Boulevard, Baltimore, Maryland 21235.

Notice of Compute Matching Program, Social Security Administration (SSA), Master Beneficiary Record (MBR) Matching with Office of Personnel Management (OPM) Records Windfall Elimination Provision (WEP)

A. Participating agencies

SSA and OPM

B. Purpose of the matching program

Sections 214(a)(7) and 215(d)(3) of the Social Security Act (the Act) provide for a modified benefit computation to be used for certain beneficiaries who are concurrently entitled to both Social Security benefits and a civil service annuity. The purpose of this match is for SSA to obtain OPM civil service annuity data for matching with SSA records pertaining to disabled and retired beneficiaries to identify those beneficiaries who may be dually entitled. The OPM data is necessary to adjudicate properly Social Security claims affected by the WEP. SSA will use the OPM data to verify the pension or annuity information that has or should have been provided directly to SSA by the retirees/annuitants.

C. Authority for conducting the matching program

Section 215 of the Act (42 U.S.C. 415) and 5 U.S.C. 552a(b)(3) and routine uses established thereunder.

D. Categories of records and individuals covered by the match

The SSA records involved in the match are payment records maintained in the Master Beneficiary Record (MBR) system (last published in the FR on April 9, 1992 (57 FR 12322, 12326)). The MBR maintains records about individuals who are claimants for, or beneficiaries of, title II Retirement, survivors, or Disability Insurance benefits. The OPM records consist of benefit and pension data from its system of records entitled OPM/Central—1 Civil Service Retirement and Insurance Record.

E. Inclusive Dates of the Match

The matching program will begin on July 1, 1992 or 30 days after agreements by the parties participating in the match have been submitted to Congress and the Office of Management and Budget, whichever is later. The matching program will continue for 18 months from the beginning date and may be extended for an additional 12 months thereafter.

F. Address for Receipt of Public Comments or Inquiries

Individuals wishing to comment on this matching program should submit comments to the Associate Commissioner for Program and Integrity Reviews, 860 Altmeyer Bldg., 6401 Security Boulevard, Baltimore, Maryland 21235.

Notice of Computer Matching Program, Social Security Administration (SSA), Supplemental Security Income Record (SSR) Matching With Office of Personnel Management (OPM) Records

A. Participating Agencies

SSA and OPM

B. Purpose of the Matching Program

Section 1631(e)(1)(B) of the Social Security Act (the Act) requires SSA to verify the allegations of applicants and recipients for Supplemental Security Income (SSI) payments before making a determination of eligibility or payment amount. Section 1631(f) of the Act requires Federal agencies to furnish SSA with information necessary to verify SSI eligibility. The purpose of this match is for SSA to obtain OPM data to verify the accuracy of eligibility factors for the SSI program.

c. Authority for Conducting the Matching Program

Section 1631(e)(1)(B) and 1631(f) of the Act (42 U.S.C. 1383(e)(1)(B) and 1383(f)).

D. Categories of Records and Individuals Covered by the Match

The SSA records consist of SSI payment records maintained in the Supplemental Security Income Record system (last published in the FR on April 9, 1992 (57 FR 12322, 12329-12331)). The OPM records consist of civil service benefit and payment data maintained in the system of records entitled OPM/Central—1 Civil Service Retirement and Insurance Record.

E. Inclusive Dates of the Match

The matching program will begin on July 1, 1992 or 30 days after agreements by the parties participating in the match have been submitted to Congress and the Office of Management and Budget, whichever is later. The matching program will continue for 18 months from the beginning date and may be extended for an additional 12 months thereafter.

F. Address for Receipt of Public Comments or Inquiries

Individuals wishing to comment on this matching program should submit comments to the Associate Commissioner for Program and Integrity Reviews, 860 Altmeyer Bldg., 6401 Security Boulevard, Baltimore, Maryland 21235.

Notice of Computer Matching Program, Social Security Administration (SSA), Master Beneficiary Record (MBR) Matching with Office of Personnel Management (OPM) Records, Public Disability Offset (PDO)

A. Participating Agencies

SSA and OPM

B. Purpose of the Matching Program

Section 224 of the Social Security Act (the Act) provides for the reduction of Social Security disability insurance (DI) benefits when the disabled worker is also entitled to a public disability benefit (PDB). This reduction is referred to as the PDB offset. A civil service disability benefit is considered a PDB. Section 224(h)(1) of the Act requires any Federal agency to provide SSA with information in its possession that SSA may require for the purposes of making a timely determination of the amount of reduction under section 224 of the Act.

This matching program is used to obtain OPM records of civil service disability benefits for matching with SSA DI benefits to identify DI beneficiaries whose benefits should be reduced because the disabled worker is receiving a civil service disability annuity benefit. SSA uses the OPM data to verify information which was or

should have been provided by the SSA disabled worker at the time of initially applying for Social Security benefits and on a continuing basis to ensure any reduction in Social Security DI benefits is based on the current civil service disability benefit amount.

C. Authority for Conducting the Matching Program

Section 224 of the Act (42 U.S.C. 424a)

D. Categories of Records and Individuals Covered by the Match

The SSA records involved in the match are DI payment records maintained in the Master Beneficiary Record (MBR) system (last published in the FR on April 9, 1992 (57 FR 12322, 12326)). The MBR maintains records about individuals who are claimants for, or beneficiaries of, title II Retirement, Survivors, or Disability Insurance benefits. The OPM records consist of disability data from the system of records entitled OPM/Central—1 Civil Service Retirement and Insurance Records about Disability Annuitants.

E. Inclusive Dates of the Match

The matching program will begin on July 1, 1992 or 30 days after agreements by the parties participating in the match have been submitted to Congress and the Office of Management and Budget, whichever is later. The matching program will continue for 18 months from the beginning date and may be extended for an additional 12 months thereafter.

F. Address for Receipt of Public Comments or Inquiries

Individuals wishing to comment on this matching program should submit comments to the Associate Commissioner for Program and Integrity Reviews, 860 Altmeyer Bldg., 6401 Security Boulevard, Baltimore, Maryland 21235.

[FR Doc. 92-15622 Filed 7-1-92; 8:45 am]

BILLING CODE 4199-29

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Community Planning and Development

[Docket No. N-92-1917; FR-2934-N-85]

Federal Property Suitable as Facilities to Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

ADDRESSES: For further information, contact James N. Forsberg, room 7262, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410; telephone (202) 708-4300; TDD number for the hearing- and speech-impaired (202) 708-2565 (these telephone numbers are not toll-free), or call the toll-free title V information line at 1-800-927-7588.

SUPPLEMENTARY INFORMATION: In accordance with 56 FR 23789 (May 24, 1991) and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this Notice to identify Federal buildings and other real property that HUD has reviewed for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property. This Notice is also published in order to comply with the December 12, 1988 Court Order in *National Coalition for the Homeless v. Veterans Administration*, No. 88-2503-OG (D.D.C.).

Properties reviewed are listed in this Notice according to the following categories: Suitable/available, suitable/unavailable, suitable/to be excess, and unsuitable. The properties listed in the three suitable categories have been reviewed by the landholding agencies, and each agency has transmitted to HUD: (1) Its intention to make the property available for use to assist the homeless, (2) its intention to declare the property excess to the agency's needs, or (3) a statement of the reasons that the property cannot be declared excess or made available for use as facilities to assist the homeless.

Properties listed as suitable/available will be available exclusively for homeless use for a period of 60 days from the date of this notice. Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to Judy Breitman, Division of Health Facilities Planning, U.S. Public Health Service, HHS, room 17A-10, 5600 Fishers Lane, Rockville, MD 20857; (301) 443-2265. (This is not a toll-free number.) HHS will mail to the interested

provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expressions of interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 56 FR 23789 (May 24, 1991).

For properties listed as suitable/to be excess, that property may, if subsequently accepted as excess by GSA, be made available for use by the homeless in accordance with applicable law, subject to screening for other Federal use. At the appropriate time, HUD will publish the property in a Notice showing it as either suitable/available or suitable/unavailable.

For properties listed as suitable/unavailable, the landholding agency has decided that the property cannot be declared excess or made available for use to assist the homeless, and the property will not be available.

Properties listed as unsuitable will not be made available for any other purpose for 20 days from the date of this notice. Homeless assistance providers interested in a review by HUD of the determination of unsuitability should call the toll free information line at 1-800-927-7588 for detailed instructions or write a letter to James N. Forsberg at the address listed at the beginning of this Notice. Included in the request for review should be the property address (including zip code), the date of publication in the *Federal Register*, the landholding agency, and the property number.

For more information regarding particular properties identified in this Notice (*i.e.*, acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: U.S. Army: Robert Conte, Dept. of Army, Military Facilities, DAEN-ZCI-P; Rm. 1E671, Pentagon, Washington, DC 20310-2600; (703) 693-4583; GSA: Ronald Rice, Federal Property Resources Services, GSA, 18th and F Streets NW, Washington, DC 20405; (202) 501-0067; Dept. of Veterans Affairs: Douglas Shinn, Management Analyst, Dept. of Veterans Affairs, room 414-Lafayette Bldg., 811 Vermont Ave. NW., Washington, DC 20420; (202) 233-8474; Dept. of Interior: Lola D. Knight, Property Management Specialist, Dept. of Interior, 1849 C St. NW., Mailstop 5512-MIB, Washington, DC 20240; (202) 208-4080; Dept. of Transportation: Ronald D. Keefer, Director, Administrative Services & Property Management, DOT, 400 Seventh St. SW.,

room 10319, Washington, DC 20590; (202) 366-4246; (These are not toll-free numbers).

Dated: June 25, 1992.

Randall H. Erben,
Acting Assistant Secretary.

*Suitable/Available Properties***BUILDINGS (by State)****California**

Bldg. 13, VA Medical Center
Wilshire and Sawtelle Blvds.
Los Angeles Co: Los Angeles CA 90073-
Landholding Agency: VA
Property Number: 979220001
Status: Underutilized
Comment: Portion of 66,165 sq. ft. bldg., needs major rehab, no util., pres. of asbestos, in historic district, potential to be hazardous due to storage of radioactive material nearby.

Virginia

Bldg. 49, Fort Myer
Johnson Lane
Ft. Myer Co: Arlington VA 22211-
Landholding Agency: Army
Property Number: 219220816
Status: Unutilized
Comment: 2-story residence, possible asbestos, off-site use only.
Bldg. 52, Fort Myer
Johnson Lane
Ft. Myer Co: Arlington VA 22211
Landholding Agency: Army
Property Number: 219220817
Status: Unutilized
Comment: 8,210 sq. ft., 2-story BOQ bldg., possible asbestos, needs repair, off-site use only.

LAND (by State)**Colorado**

Lamar Communications Annex
12 miles south of Lamar on Hwy. 287 / 385
Lamar Co: Prowers CO 81052-
Landholding Agency: GSA
Property Number: 549220010
Status: Excess
Comment: 3.67 acres fee land/36.20 acres easement, 3 bldgs on property—2,332 sq. ft. communications, 336 sq. ft. generator, 96 sq. ft. storage, concrete block.
GSA Number: 7-D-CO-625.

*Suitable/Unavailable Properties***BUILDINGS (by State)****California**

Bldg. 205, VA Medical Center
Wilshire and Sawtelle Blvds.
Los Angeles Co: Los Angeles CA 90073-
Landholding Agency: VA
Property Number: 979220002

Status: Underutilized

Comment: Portion of 50,546 sq. ft. concrete bldg., pres. of asbestos, in historic district, potential to be hazardous due to storage of radioactive material nearby.

Bldg. 256, VA Medical Center
Wilshire and Sawtelle Blvds.

Los Angeles Co: Los Angeles CA 90073-

Landholding Agency: VA

Property Number: 979220003

Status: Underutilized

Comment: Portion of 48,861 sq. ft. concrete bldg., pres. of asbestos, in historic district, potential to be hazardous due to radioactive material nearby.

Bldg. 300, VA Medical Center
Wilshire and Sawtelle Blvds.

Los Angeles Co: Los Angeles CA 90073-

Landholding Agency: VA

Property Number: 979220004

Status: Underutilized

Comment: Portion of 66,214 sq. ft. concrete bldg., needs rehab, presence of asbestos, in historic district.

Unsuitable Properties**BUILDINGS (by State)****Arkansas**

Bldg. 295, S. Guinn Residence
Crabtree Cemetery Road
Hot Springs Co: Garland AR 71901-

Landholding Agency: Interior

Property Number: 619220008

Status: Unutilized

Reason: Other

Comment: Extensive Deterioration.

California

Whiskeytown Unit
Route 208, Tower House Area
Whiskeytown Co: Shasta CA 96019-

Landholding Agency: Interior

Property Number: 619220009

Status: Unutilized

Reason: Floodway; Other

Comment: Extensive Deterioration.

Vermont

Depot Street
Downtown at the Waterfront
Burlington Co: Chittenden VT 05401-5226

Landholding Agency: DOT

Property Number: 879220003

Status: Excess

Reason: Floodway.

[FR Doc. 92-15346 Filed 7-1-92; 8:45 am]

BILLING CODE 4210-29-M

DEPARTMENT OF THE INTERIOR**Meeting of the Take Pride in America Advisory Board**

AGENCY: Take Pride in America, Office of the Secretary, Department of the Interior.

ACTION: Notice of meeting of the Take Pride in America Advisory Board.

Notice is hereby given in accordance with the Federal Advisory Committee Act, 5 U.S.C. appendix (1988), that a meeting of the Take Pride in America Advisory Board will be held on July 20th and July 22, 1992 in the Secretary of the Interior's Conference Room #5160, 5th Floor of the United States Department of the Interior's Main Building, 1849 C Street, Washington, DC 20240.

The Take Pride in America Advisory Board will convene on Monday, July 20, 1992. The general business session will convene at 2 p.m. and is planned to conclude at 5 p.m. that day. The general business meeting will be held in Room #5160. Prior to the general business session, three of the Take Pride in America Advisory Board's Subcommittee will hold meeting which will begin at 12 noon and conclude at 1:45 p.m. All Subcommittee meeting will be held in the Main Interior Building. The Education Subcommittee will meet in Room 4219; the Outreach Subcommittee will meet in room 5160; and the National Awards Subcommittee will meet in room 5113.

The Advisory Board will reconvene for the second day of meetings on Wednesday, July 22nd at 9:00 a.m. and will meet in rooms 7000 A and B, of the 7th Floor of the Main Interior Building. The general business meeting will begin at 10:20, that meeting will be held in room 5160, Secretary's Conference Room of the Main Interior Building. All meetings will conclude at 12 noon on July 22nd, 1992.

The fourth official meeting of the Take Pride in America Advisory Board will focus on three main topics: Presentations by officials of the Department of the Interior on the status of the Take Pride in America program; Presentation on the Long-Range Strategy for the Take Pride in America program; and Reports by the Board's four subcommittee chairmen. The Advisory Board has the following subcommittees: Long Range Planning; Outreach; Education; and the National Awards Program. Subcommittee reports will include an update of subcommittee activities.

The general business meetings will be open to the public. Space and facilities to accommodate members of the public

are limited and persons will be accommodated on a first-come, first-serve basis. Anyone may file with the Advisory Board a written statement concerning matters to be discussed. The Chairman of the Board will allow for public commentary, but may restrict the length of presentations as necessary to allow the board to complete its agenda within the allotted time.

Persons wishing further information concerning the meeting, or who wish to submit written statements, may contact Ms. Mary Ann Gomez, Take Pride in America, U.S. Department of the Interior, room 5129, 1849 C Street, NW., Washington, DC 20240, telephone number is (202) 208-3726.

A copy of the minutes of the meeting will be available for public inspection about eight weeks after the meeting, the in the Take Pride in America Office, U.S. Department of the Interior, 1849 C Street, NW., Washington, DC 20240.

Mary Ann Gomez,

Advisory Board Coordinator.

[FR Doc. 92-15516 Filed 7-1-92; 8:45 am]

BILLING CODE 4310-10-M

Bureau of Land Management

[CO-920-92-4120-12; COC 0125366]

Colorado; Notice of Availability of the Draft Environmental Cost Estimate Document for Coal Preference Right Lease Application C-0125366

ACTION: Pursuant to the amended court order in the case of *NRDC v. Berklund* and the Federal Coal Management regulations at 43 CFR 3430.4-3, the Bureau of Land Management has prepared a draft Cost Estimate Document for coal preference right lease application (PRLA) C-0125366. The draft Cost Estimate Document is now available to the public for a sixty (60) day comment and review period.

SUMMARY: A draft Cost Estimate Document (CED) for coal PRLA C-0125366 has been prepared and is now available to the public. The draft CED is an independent cost analysis of the expenses a company would incur in mitigating environmental impacts while permitting, mining and reclaiming the PRLA. The draft CED was prepared by the Bureau of Land Management based on the final showing analysis submitted by the PRLA applicants, R.W. Chapman and P.E. Riebold. The PRLA is located in northwest Rio Blanco County, Colorado and encompasses 640 acres of federal coal; 480 acres is federal surface estate and 160 acres is private surface estate

Persons or organizations wishing to review and comment on the draft CED may obtain a copy from the address listed below. Comments on the draft must be submitted in writing to the State Director (CO-923), Bureau of Land Management, 2850 Youngfield Street, Lakewood, Colorado 80215. In order to be most useful, comments should contain specific reference to the part or portions of the draft which the commentator believes to be in error; a concise statement explaining why the draft CED is incorrect; and, if possible, information or data which the commentator believes to be more accurate and the source of that data. Data which commentators believe to be proprietary should be labelled as such.

DATES: Comments must be received in writing within sixty (60) days of the date of publication of this notice.

FOR FURTHER INFORMATION CONTACT: Copies of the draft CED are available on request by writing Colorado State Office (CO-923), Bureau of Land Management, 2850 Youngfield Street, Lakewood, Colorado 80215, or by calling Betsy Daniel at (303) 239-3775.

SUPPLEMENTARY INFORMATION:

Procedures for processing coal PRLA's were published on July 8, 1987 as a rulemaking revising portions of 43 CFR 3430. The rulemaking was the result of more than three years of negotiations with major environmental groups over the detailed procedures for processing the pending applications. As a result of those negotiations, the regulations were intended to allow full public participation throughout the administrative process and to clarify how the Bureau of Land Management (BLM) would comply with the court order in *Natural Resources Defense Council (NRDC) v. Berkland*, 458 F. Supp. 925 (D.D.C. 1978), aff'd 609 F.2d 553 (D.C. Cir. 1979). The requirement for preparation and formal public review of a Cost Estimate Document was one of the clarifications and applies only to pending coal PRLA's.

BLM's cost analysis was prepared in consultation with the staff of the Western Support Center of the Office of Surface Mining, Reclamation, and Enforcement under an Interagency Agreement. The draft CED addresses only the costs of environmental mitigation necessary to develop, mine, and reclaim this PRLA in compliance with existing laws and regulations and specific lease stipulations developed by BLM. It was prepared specifically for public review and comment. Following the close of the public comment period, BLM will incorporate substantive comments into a final Cost Estimate

Document, BLM's independent environmental protection cost estimates, as well as all other capital and operating costs associated with exploration, development, mining and reclamation of the PRLA, will form the basis for a final decision regarding whether the applicants have demonstrated that there are commercial quantities of coal on the PRLA which would justify a prudent person in the further expenditure of their labor and means with a reasonable prospect of developing a valuable mine.

Dated: June 25, 1992.

Frank A. Salwerowicz,
Deputy State Director, Mineral Resources.
[FR Doc. 92-15570 Filed 7-1-92; 8:45 am]
BILLING CODE 4310-JB-M

DEPARTMENT OF THE INTERIOR

[WY-040-3110-09-K004]

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Preparation of an Environmental Assessment and Mail Out Scoping Notice.

SUMMARY: Notice of Intent to Prepare an Environmental Assessment and Conduct Public Scoping. The action is proposed to prepare an environmental assessment (EA) and conduct mail-out scoping on the exchange of 1,280 acres of State of Wyoming land located in the Honeycomb Buttes Wilderness Study Area (WSA) for 2,566.12 acres of federal land administered by the Bureau of Land Management (BLM) located outside of the WSA. The lands proposed for exchange are in Sweetwater and Fremont Counties, Wyoming.

DATES: Scoping packets will be distributed by mail on or about June 30, 1992. Responses and comments will be accepted through July 31, 1992.

ADDRESSES: Information and scoping mail-out packets for the proposed exchange and the EA can be obtained by writing or visiting the following office: Bureau of Land Management, Green River Resource Area, 1993 Dewar Drive, Rock Springs, Wyoming 82901. Scoping comments should be sent to the above address.

FOR FURTHER INFORMATION CONTACT: Bill LeBarron at telephone number (307)-362-6422.

SUPPLEMENTARY INFORMATION: The exchange is proposed to facilitate more effective public land management. The primary management objective for the Honeycomb Buttes Area will be to preserve its wilderness values. The State of Wyoming administers trust lands, including inholdings in proposed

wilderness areas, for the support of public schools and other public institutions. Both the State and BLM recognize that commercial development of State inholdings in the Honeycomb Buttes WSA could conflict with a wilderness designation and that a wilderness designation will limit the commercial or economic utility of these inholdings to the State. The following issues and concerns have been identified to date:

State (Offered) Land

Wilderness values, Oil and gas, Grazing management, Wildlife habitat, Wetland/riparian areas, Sensitive plant potential, Cultural resources (South Pass Historic Landscape), Recreation, Hazardous wastes.

Federal (Selected) Land

Oil and gas, Coal withdrawal, Grazing management, Wetland/riparian areas, Sensitive and threatened/endangered species (plant and animal), Cultural resources, Hazardous wastes.

The public is encouraged to present their ideas and views on these and other issues and concerns. All issues and concerns will be considered in preparing the EA.

Pat Wendt,
Assistant Area Manager.

[FR Doc. 92-15567 Filed 7-1-92; 8:45 am]
BILLING CODE 4310-22-M

[UT-060-02-4320-02]

Moab District Grazing Advisory Board Meeting

AGENCY: Bureau of Land Management, Moab District, Interior.

ACTION: Moab District Grazing Advisory Board Meeting.

SUMMARY: Notice is hereby given in accordance with Public Law 92-463 that a meeting of the Moab District Grazing Board will be held on August 26, 1992. The meeting will begin at 10 a.m. in the conference room of the Bureau of Land Management's Moab District Office at 82 East Dogwood, Moab, Utah.

The agenda for the meeting will include:

1. BLM 2015.
2. Prioritization of Range Improvement Projects for FY 93 and Funding Overview for Fiscal Year 1993.
3. Update on Comb Wash Administrative Hearing.
4. Update on Book Cliffs Initiative and Management Proposals for the Cisco Allotment.

5. Wildlife Initiatives in the Moab District by Utah Division of Wildlife Resources.

6. Briefing on San Rafael Wild Burro Herd Area Management Plan.

7. Briefing on Interdistrict Agreement for Grazing Management Between Moab District and Grand Junction District.

The meeting is open to the public. Interested persons may make oral statements to the Board between 2 p.m. and 3 p.m. on August 26, 1992 or file written statements for the Board's consideration. Anyone wishing to make an oral statement must submit a written summary of their statement to the District Manager, Bureau of Land Management, P.O. Box 970, Moab, Utah 84532, by August 24, 1992. Written statements submitted for the Board's consideration must be received at the above address on or before August 25, 1992. Summary minutes of the Board meeting will be maintained in the District Office and will be available within thirty (30) days following the meeting.

Roger Zortman,
District Manager.

[FR Doc. 92-15565 Filed 7-1-92; 8:45 am]
BILLING CODE 4310-DQ-M

[AZ-040-02-4990-10]

Meeting for the Safford District Advisory Council

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting.

SUMMARY: Notice is hereby given in accordance with Public Law 94-579 and 43 CFR part 1780, that a meeting of the Safford District Advisory Council will be held.

DATES: Tuesday, August 4, 1992, 10 a.m.-4 p.m.

ADDRESSES: BLM Empire Field Station, seven miles north of Sonoita, Arizona on Highway 83.

SUPPLEMENTARY INFORMATION: The agenda for the meeting will include:

1. Introduction of new District Manager and Tucson Resource Area Manager.
2. Election of new Chairperson.
3. Management Updates:
 - a. San Pedro Land Acquisitions Coordinated Resource Management.
 - b. Gila Box Management Plan.
 - c. AZCO Mine EIS.
 - d. Resource Management Plan Protest Resolution.
4. Tour of Empire-Cienega Resource Conservation Area.

The meeting will be open to the public. Interested persons may make

oral statements to the Council between 1 and 2 p.m., or may file written statements for consideration by the Council. Anyone wishing to make an oral statement must notify the District Manager by Monday, August 3, 1992. Depending upon the number of people wishing to make oral statements, a per person time limit may be considered.

Summary minutes of the Council meeting will be maintained in the District Office and will be available for public inspection and reproduction (during business hours) within thirty (30) days following the meeting.

FOR FURTHER INFORMATION CONTACT: Diane Drobka, Public Affairs Officer, Safford District, 425 E. 4th St., Safford, AZ 85546. Telephone (602) 428-4040.

Dated: June 24, 1992.

Frank L. Rowley,

Acting District Manager.

[FR Doc. 92-15586 Filed 7-1-92; 8:45 am]

BILLING CODE 4310-32-M

Bureau of Land Management

AGENCY: Bureau of Land Management, DOI.

ACTION: Notice of Vernal District Advisory Council Tour.

SUMMARY: Notice is hereby given in accordance with CFR 43, subpart 1601, section 6-4, part c, that a meeting of the Vernal District Advisory Council is scheduled for Friday, August 7, 1992. The meeting will be in the form of a one-day tour of selected areas of the Diamond Mountain Resource Area, including areas of public concern as determined during the writing of the Draft Diamond Mountain Resource Management Plan.

The tour will include visits to: Red Mountain, Diamond Mountain, Browns Park, and a float trip on the Green River.

Issues to be discussed at appropriate sites include: off-highway-vehicle travel and other recreation activities, potential relict vegetation conflicts, wildlife/livestock and elk issues, and possible big horn sheep introduction; land tracts being considered for potential disposal as a part of the Book Cliffs ranch acquisitions; the proposed "Willow Creek" route for the Browns Park to Dutch John road. At Browns Park, the Council will view recent recreation improvements and discuss future recreation plans. They will also discuss the cooperative management of the Green River and its proposed designation as "Wild and Scenic".

The tour will commence at the Vernal District Office located at 170 South 500 West, at 8 a.m., and will return in the early evening.

Interested members of the public are welcome to accompany the tour, but

would need to furnish their own food and river and road transportation. Those interested in addressing the Advisory Council or submitting a written comment to be read to the Council may do so, but would need to make prior arrangements with District Manager David E. Little, no later than close of business Thursday, August 6.

FOR FURTHER INFORMATION CONTACT: David E. Little, Vernal District Manager, phone: (801) 789-1362.

David E. Little,

Vernal District Manager.

[FR Doc. 92-15568 Filed 7-1-92; 8:45 am]

BILLING CODE 4310-DQ-M

[CO-030-7122-09-7426; COC53844]

Realty Action Non-Competitive Sale of Lands

AGENCY: Department of the Interior, Bureau of Land Management.

ACTION: Designation of public lands located in Montrose County, Colorado as being suitable for disposal out of federal ownership by sale.

SUMMARY: The following described public lands have been determined to be suitable for disposal by sale utilizing non-competitive procedures, at not less than fair market value as determined by an appraisal completed by a Federal or independent appraiser using the principals contained in the "Uniform Appraisal Standards for Federal Land Acquisitions". Authority for the sale is Section 203 of Public Law 94-597, the Federal Land Policy and Management Act of 1976.

New Mexico Principal Meridian, Colorado

T. 49 N., R. 8W.,

Sec. 33: N $\frac{1}{2}$ S $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ S W $\frac{1}{4}$.

Containing 20 acres.

The lands will not be offered for sale until at least 60 days after the date of publication of this notice in the **Federal Register**.

This land is being offered as a direct non-competitive sale to Union Bank and Trust, A Colorado Banking Corporation. BLM has determined a direct sale is necessary to protect existing equities in the land and to resolve an inadvertent unauthorized occupancy of said land.

In the event of a sale, the mineral interests shall be conveyed simultaneously with the surface interest. The mineral interests being offered for conveyance have no known mineral value. Upon acceptance of a direct sale offer, the purchaser shall be required to

make application for conveyance of those mineral interests.

Upon publication of this notice in the *Federal Register*, the land will be segregated from all forms of appropriation under the public land laws, including the general mining laws. This segregation will terminate upon issuance of a patent or 270 days from the date of this publication.

The patent, when issued, will contain a reservation for a right-of-way thereon for ditches and canals constructed by the authority of the United States, Act of August 30, 1890, 26 Stat. 391, 43 U.S.C. 945.

FOR FURTHER INFORMATION: Additional information about this sale is available for review at the Bureau of Land Management, Montrose District Office, 2465 South Townsend, Montrose, Colorado 81401. Comments shall be submitted to the Montrose District Manager. Any adverse comments will be reviewed by the District Manager, who may sustain, vacate, or modify this realty action. In the absence of any adverse comments, this realty action will become the final determination of the Department of the Interior.

Dated: June 25, 1992.

Alan L. Kesterka,
District Manager.

[FR Doc. 92-15566 Filed 7-1-92; 8:45 am]
BILLING CODE 4310-JB-M

[ID-060-02-4212-13; IDI-28747]

Resource Management Plans, Cascade Resource Area

AGENCY: Bureau of Land Management—Interior.

ACTION: Amendment of notice of intent to amend Cascade Resource Management Plan.

SUMMARY: In notice of intent published April 22, 1992, in Vol. 57, No. 78, page 14735, Item #1 in the third column is hereby amended by adding the following Public Lands:

Boise Meridian, Idaho

T. 11 N., R. 4 E.,

Sec. 20, S½SE¼;

T. 12 N., R. 4 E.,

Sec. 27, SE¼SE¼,

Sec. 28, W½NE¼,

Sec. 34, NE¼NE¼, S½NE¼, SE¼NW¼,

NE¼SW¼, SE¼;

The total area of Public Lands should now read 5,118.81.

DATES: Interested parties may submit comments regarding these additional lands to the District Manager at the address given in the previous Notice of Intent described above, for a period of

45 days from the date of publication of this notice.

All other information contained in the previous Notice remains the same.

Dated: June 23, 1992.

Glen E. Cooper,

Acting District Manager.

[FR Doc. 92-15583 Filed 7-1-92; 8:45 am]

BILLING CODE 4310-GG-M

[OR-130-4410-08; GP-2-270]

Availability of the Proposed Spokane Resource Management Plan Amendment and Final Environmental Impact Statement

AGENCY: Bureau of Land Management, Interior.

ACTION: Pursuant to the National Environmental Policy Act of 1969 (40 CFR 1550.2) and the Federal Land Policy and Management Act of 1976, the Bureau of Land Management (BLM), Spokane District has prepared the Proposed Spokane Resource Management Plan Amendment and Final Environmental Impact Statement (PRMPA/FEIS). This document is expected to be available to the public for a thirty (30) day protest period on July 17, 1992.

SUMMARY: A proposed resource management plan amendment and final environmental impact statement for the Spokane District has been prepared and is now available to the public. This plan will partially replace and supersede the existing land use plan and other related documents for managing BLM-administered lands and mineral resources for the next 10-15 years.

The Bureau of Land Management (BLM) administers 328,000 acres in its Spokane District in eastern Washington which is considered the planning area.

The planning area in this RMP amendment also includes more than 1.15 million acres of Federal mineral estate scattered throughout all counties in Washington State east of the Cascades, lands on which the BLM has oil and gas and/or other mineral leasing authority. These lands include those administered by the BLM, the U.S. Bureau of Reclamation, U.S. Fish and Wildlife Service, U.S. Department of Energy, and U.S. Department of Army.

Persons or organizations who participated in this process and believe that approval of the resource management plan would be in error, may protest. Protests must be in writing and should be sent by certified mail, return receipt requested to the Director (760), Bureau of Land Management, 1849 "C" Street NW., Washington, DC 20240.

At a minimum, the protest must contain the following:

1. The name, mailing address, telephone number, and interest of the person filing the protest.
2. A statement of the issue or issues being protested.
3. A statement of the part or parts of the Spokane Resource Management Plan Amendment/Final Environmental Impact Statement being protested. To the extent possible, this should be done in reference to specific pages, paragraphs, sections, tables, maps, etc., included in the document.
4. A copy of all documents addressing the issues that you submitted during the process or a reference to the date the issue or issues were discussed by you for the record. Only those persons or organizations who participated in this planning process leading to the RMPA may protest.
5. A concise statement explaining why the Oregon/Washington State Director's decision is believed to be incorrect. As much as possible, reference or cite the planning documents, environmental analysis documents, available planning records (e.g., meeting minutes, correspondence, etc.). A protest that only expresses disagreement with the Oregon/Washington State Director's proposed decision without any supporting data will not be considered.

DATES: Protests must be received in writing within thirty (30) days of the date the Environmental Protection Agency publishes the notice of receipt of this final impact statement in the *Federal Register*.

FOR FURTHER INFORMATION CONTACT:

Copies of the PRMPA/FEIS are available upon request by writing to: District Manager, Spokane District, East 4217 Main Avenue, Spokane, Washington 99202 (509) 353-2570; or Area Manager, Wenatchee Resource Area Office, 1133 North Western Avenue, Wenatchee, Washington 98801 (509) 662-4223.

SUPPLEMENTARY INFORMATION: The two alternatives of this plan amendment address the leasing of all the Federal Mineral Estate in Eastern Washington except for land administered by the U.S. Forest Service and Indian Lands. Other resource programs addressed in this plan include revisions to the off-road vehicle designations, and special management areas including Areas of Critical Environmental Concern (ACEC). Some administrative changes have also been covered in this plan amendment along with a restatement of the Spokane District's Land Tenure Adjustment Policy.

The two alternatives consist of (1) the Existing Plan, and (2) the Amended Plan.

Alternative 1 (Existing Plan): This alternative consists of continued implementation of the RMP without allowing for adjustments in land management decisions (i.e., ORV designations and additional ACEC proposals) based on new information or policy changes. Reconfiguration of management areas is included in this alternative.

Oil and Gas Leasing and Development—This is potentially the least restrictive leasing program the BLM would legally be permitted to implement. Approximately 1.11 million acres of public land and subsurface mineral estate would be open to leasing subject to Standard Leasing Terms and Conditions. Areas of Critical Environmental Concern (ACEC)—The 12 currently designated ACECs would continue to be managed to preclude land uses that could potentially damage special resource values. No new ACECs would be nominated for designation.

Off Road Vehicle (ORV) Designations—ORV designations would remain as described in the 1987 RMP Spokane District Record of Decision. All 21,000 acres of land acquired since completion of the RMP would remain open to ORV use.

Alternative 2 (Amended Plan): This alternative addresses BLM's revised guidelines for fluid mineral leasing and development, and also new prescriptions (i.e., ORV designations and additional ACEC nominations) derived from recommendations of BLM staff and the general public.

Oil and Gas Leasing and Development—Oil and gas resources would be leased with Standard Terms and Conditions as well as additional leasing stipulations to protect other resources and values. The new stipulations are derived from two sources: The existing stipulations and stipulations developed during this plan amendment process. The RMP includes mineral resources of lands managed by other Federal surface management agencies. Therefore, any leasing recommendations made by BLM must take into consideration the missions of these agencies, their policies and restrictions on oil and gas activities, existing withdrawals, and limits imposed by regulations and Congress.

Areas of Critical Environmental Concern—Under this alternative five areas (6,350 acres of public land) would be proposed for ACEC designation: Coal Creek, Cowiche Canyon, Little Vulcan Mountain, Yakima River Canyon and Keystone Point.

Coal Creek (710 acres) T. 22 N., R. 35 E., Sections 29, 30, 31, & 32; T. 22 N., R. 34 E., Section 36; to provide protection for Federal candidate plant species, important riparian habitat and cultural values.

Cowiche Canyon (480 acres) T. 13 N., R. 17 E., Sections 12 and 14; T. 13 N., R. 18 E., Section 18; to provide protection for Federal candidate plant species and recreation values.

Little Vulcan Mountain (600 acres) T. 39 N., R. 32 E., Sections 1 and 12; to provide protection for crucial bighorn sheep habitat/lambing ground.

Yakima River Canyon (5,700 acres) T. 17 N., R. 18, Section 26; T. 16 N., R. 18, Section 2; T. 16 N., R. 19 E., Sections 6, 8, 18, 20, & 28; T. 15 N., R. 19 E., Sections 4, 6, 10, 14, 15, 23, 28, 32, 33, 35, & 36; T. 14 N., R. 19 E., Section 4; to provide protection for Federal candidate plant and animal species, important wildlife habitat, recreation and cultural values.

Keystone Point (360 acres) T. 25 N., R. 21 E., Section 30; to provide protection for Federal candidate plant species habitat.

Two existing ACEC designations, Webber Canyon and Roosevelt Slope, would be revoked or rescinded. Webber Canyon ACEC designation would be revoked because evaluations subsequent to its designation by both contact paleontologists and district resource specialists, indicated that there were no significant paleontological resource values at this site, and that returning this area to multiple use would not result in any deterioration of the values that are present. Roosevelt Slope ACEC was designated because it contained habitat for a Bureau sensitive species *Astragalus misellus* v. *pauper*. The ACEC designation is being rescinded because subsequent inventories revealed that this species is more common than initially believed, and because there are no existing or proposed land uses that would jeopardize its habitat.

Off Road Vehicle Designations—Most of the ORV designations made in the 1987 Spokane RMP Record of Decision would not be changed. Only those areas where new information indicates that additional restrictions are necessary to protect resource values, would limitations be proposed. The specific changes being proposed are as follows: In the Yakima River Canyon and Upper Crab Creek Management Areas, ORVs are limited to designated roads and trails (23,000 acres); in the Okanogan Management Area North of the Similkameen River, ORVs would be limited to designated roads and trails on another 4,200 acres.

Dated June 25, 1992.

Joseph K. Buesing,

District Manager.

[FR Doc. 92-15584 Filed 7-1-92; 8:45 am]

BILLING CODE 4310-33-M

[CA-940-92-4730-12]

Filing of Plats of Survey; CA

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The purpose of this notice is to inform the public and interested state and local government officials of the latest filing of Plats of Survey in California.

EFFECTIVE DATES: Filing was effective at 10 a.m. on the date of submission to the Bureau of Land Management (BLM), California State Office, Public Room.

FOR FURTHER INFORMATION CONTACT: Clifford A. Robinson, Chief, Branch of Cadastral Survey, Bureau of Land Management (BLM), California State Office, 2800 Cottage Way, Room E-2845, Sacramento, CA 95825, 916-978-4775.

SUPPLEMENTARY INFORMATION: The plats of Survey of lands described below have been officially filed at the California State Office, Sacramento, CA.

Humboldt Meridian, California

T. 4 S., R. 5 E.,—Dependent resurvey, and subdivision of section 15, (Group 936) accepted April 7, 1992, to meet certain administrative needs of the BLM, Ukiah District, Arcata Resource Area.

Mount Diablo Meridian, California

T. 15 S., R. 27 E.,—Dependent resurvey of a portion of the north and west boundaries and a portion of the subdivisional lines, and the subdivision of section 6, (Group 1094) accepted April 16, 1992, to meet certain administrative needs of the Bureau of Indian Affairs.

San Bernardino Meridian, California

T. 3 S., R. 14 E.,—Dependent resurvey and survey (Sections 19, 20, 25, 26, 27, 28, 29, 30, 31, 32, 33 and 34 totaling 6,107.89 acres), (Group 1099) accepted April 8, 1992, to meet certain administrative needs of the BLM, California Desert District, Palm Springs-South Coast Resource Area.

T. 3 S., R. 15 E.,—Dependent resurvey, and metes-and-bounds survey, (Group 1099) accepted April 8, 1992, to meet certain administrative needs of the BLM, California Desert District, Palm Springs-South Coast Resource Area.

T. 4 S., R. 14 E.,—Dependent resurvey, survey, and metes-and-bounds survey (Sections 11 and 12 totaling 1,319.74 acres), (Group 1099) accepted April 8, 1992, to meet certain administrative needs of the BLM, California Desert District, Palm Springs-South Coast Resource Area.

T. 4 S., R. 15 E.,—Dependent resurvey, and metes-and-bounds survey, (Group 1099) accepted April 8, 1992, to meet certain administrative needs of the BLM, California Desert District, Palm Springs-South Coast Resource Area.

All of the above listed surveys are now the basic record for describing the lands for all authorized purposes. The surveys will be placed in the open files in the BLM, California State Office and will be available to the public as a matter of information. Copies of the surveys and related field notes may be furnished to the public upon payment of the appropriate fee.

Dated: June 23, 1992.

Clifford A. Robinson,

Chief, Branch of Cadastral Survey.

[FR Doc. 92-15489 Filed 7-1-92; 8:45 am]

BILLING CODE 4310-40-M

[ES-962-4950-13; ES-045425, Group 8, Tennessee]

Filing of Plat of the Great Smoky Mountains National Park

The plat of the retracement of a portion of Tract No. 816, of the boundary of the Great Smoky Mountains National Park in District No. 11, Sevier County, in the State of Tennessee, will be officially filed in Eastern States, Springfield, Virginia at 7:30 a.m., on August 20, 1992.

The survey was made upon request submitted by the United States Park Service.

All inquiries or protests concerning the technical aspects of the survey must be sent to the Chief Cadastral Surveyor, Eastern States, Bureau of Land Management, 7450 Boston Boulevard, Springfield, Virginia 22153, prior to 7:30 a.m., August 20, 1992.

Copies of the plat will be made available upon request and prepayment of the reproduction fee of \$1.75 per copy.

Dated: June 24, 1992.

Denise P. Meridith,

State Director.

[FR Doc. 92-15571 Filed 7-1-92; 8:45 am]

BILLING CODE 4310-GJ-M

[ES-962-4950-13; ES-045426, Group 8, Tennessee]

Filing of Plat of the Great Smoky Mountains National Park

The plat of the retracement and monumentation of portions of Tracts 471, 474 and 496, of the boundary of the Great Smoky Mountains National Park in District No. 11, Sevier County, in the State of Tennessee, will be officially filed in Eastern States, Springfield, Virginia at 7:30 a.m., on August 20, 1992.

The survey was made upon request submitted by the United States Park Service.

All inquiries or protests concerning the technical aspects of the survey must

be sent to the Chief Cadastral Surveyor, Eastern States, Bureau of Land Management, 7450 Boston Boulevard, Springfield, Virginia 22153, prior to 7:30 a.m., August 20, 1992.

Copies of the plat will be made available upon request and prepayment of the reproduction fee of \$1.75 per copy.

Dated: June 24, 1992.

Denise P. Meridith,

State Director.

[FR Doc. 92-15587 Filed 7-1-92; 8:45 am]

BILLING CODE 4310-GJ-M

Fish and Wildlife Service

Receipt of Applications for Permit

The following applicants have applied for a permit to conduct certain activities with endangered species. This notice is provided pursuant to section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*):

PRT-769005

Applicant: George Carden Circus, Int'l Springfield, MO.

The applicant requests a permit to purchase one captive-born male Asian elephant (*Elephas maximus*) in interstate commerce from Cheryl Shawver, Thousand Oaks, California, for the purpose of enhancement of the propagation or survival of the species through education and breeding.

Written data or comments should be submitted to the Director, U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, room 432, Arlington, Virginia 22203 and must be received by the Director within 30 days of the date of this publication.

Documents and other information submitted with these applications are available for review by any party who submits a written request for a copy of such documents to, or by appointment during normal business hours (7:45-4:15) in, the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, room 432, Arlington, Virginia 22203. Phone: (703/358-2104); FAX: (703/358-2281)

Dated: June 26, 1992.

Susan Jacobsen,

Acting Chief, Branch of Permits Office of Management Authority.

[FR Doc. 92-15524 Filed 7-1-92; 8:45 am]

BILLING CODE 4310-55-M

Availability of Draft Recovery Plan for Gila Trout for Review or Comment

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of document availability and public comment period.

SUMMARY: The U.S. Fish and Wildlife Service (Service) announces the availability for public review of a draft revised recovery plan for the Gila trout (*Oncorhynchus gilae*). The species occurs in small headwater streams on land administered by the U.S. Forest Service as part of the Gila National Forest, New Mexico. A small isolated population also occurs in Gap Creek, Prescott National Forest, Arizona. The Service solicits review and comment from the public on this draft plan.

DATES: Comments on the draft recovery plan must be received on or before August 31, 1992 to receive consideration by the Service.

ADDRESSES: Persons wishing to review the draft recovery plan may examine a copy by contacting the Field Supervisor, U.S. Fish and Wildlife Service, New Mexico Ecological Services Office, 3530 Pan American Highway NE, Suite D, Albuquerque, New Mexico 87107, telephone (505) 883-7877. Written comments and materials regarding the plan should be addressed to the Field Supervisor. Comments and materials received are available on request for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Gerald L. Burton, U.S. Fish and Wildlife Service, New Mexico Ecological Services Office, 3530 Pan American Highway NE, Suite D, Albuquerque, New Mexico 87107, or telephone (505) 883-7877.

SUPPLEMENTARY INFORMATION:

Background

Restoring an endangered or threatened animal or plant to the point where it is a secure, self-sustaining member of its ecosystem is a primary goal of the Service's endangered species program. To help guide the recovery effort, the Service is working to prepare recovery plans for most of the listed species native to the United States. Recovery plans describe site-specific management actions considered necessary for conservation and survival of the species, establish objective, measurable criteria for the recovery levels for downlisting or delisting species, and estimate time and cost for

implementing needed recovery measures.

The Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq.*), requires the development of recovery plans for listed species unless such plan would not promote the conservation of a particular species. Section 4(f) of the Act, as amended in 1988, requires that public notice and an opportunity for public review and comment be provided during recovery plan development. The Service will consider all information presented during a public comment period prior to approval of each new or revised recovery plan. The Service and Federal agencies will also take these comments into account in the course of implementing approved recovery plans.

The Gila trout was listed as endangered on March 11, 1967. This draft recovery plan supersedes the revised recovery plan drafted for the species in 1984. It includes new scientific information about the species gathered since 1984 and provides management procedures for protecting its habitat and expanding its range and abundance to the extent that natural or man-caused disturbance will result in irrevocable losses.

Public Comments Solicited

The Service solicits written comments on the described draft recovery plan. All comments received by the time specified above will be considered prior to the approval of the plan.

Authority: The Authority for this action is section 4(f) of the Endangered Species Act 16, U.S.C. 1533 (f).

Dated: June 22, 1992.

James A. Young,

Acting Regional Director.

[FR Doc. 92-15525 Filed 7-1-92; 8:45 am]

BILLING CODE 4310-55-M

Availability of Draft Recovery Plan for Sonora Chub for Review or Comment

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of document availability and public comment period.

SUMMARY: The U.S. Fish and Wildlife Service (Service) announces the availability for public review of a draft recovery plan for the Sonora chub (*Gila ditaenia*). This fish occurs in the United States in Sycamore Creek, Santa Cruz County, in southwestern Arizona near the international border and in adjacent Sonora, Mexico. The Service solicits review and comment from the public on this draft plan.

DATES: Comments on the draft recovery plan must be received on or before August 31, 1992 to receive consideration by the Service.

ADDRESSES: Persons wishing to review the draft recovery plan may obtain a copy by contacting the U.S. Fish and Wildlife Service, 3616 West Thomas, Suite 6, Phoenix, Arizona 85019. Written comments and materials regarding the plans should be addressed to the Field Supervisor at the above address. Comments and materials received are available on request for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Debra Bills, Fish and Wildlife Service Biologist; Telephone 602/379-4720 (see ADDRESSES).

SUPPLEMENTARY INFORMATION:

Background

Restoring an endangered or threatened animal or plant to the point where it is again a secure, self-sustaining member of its ecosystem is a primary goal of the U.S. Fish and Wildlife Service's endangered species program. To help guide the recovery effort, the Service is working to prepare recovery plans for most of the listed species native to the United States. Recovery plans describe site specific management actions considered necessary for conservation and survival of the species, establish objective, measurable criteria for the recovery levels for downlisting or delisting species, and estimate time and cost for implementing the recovery measures needed.

The Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq.*), requires the development of recovery plans for listed species unless such a plan would not promote the conservation of a particular species. Section 4(f) of the Act, as amended in 1988, requires that public notice and an opportunity for public review and comment be provided during recovery plan development. The Service will consider all information presented during a public comment period prior to approval of each new or revised Recovery Plan. The Service and Federal agencies will also take these comments into account in the course of implementing approved recovery plans.

The Sonora chub is a threatened species and all of the existing populations are threatened. This fish inhabits intermittent streams in southwestern Arizona and Sonora, Mexico. Major threats include nonnative fishes and habitat degradation. Channel

degradation, siltation, and water pollution caused primarily by the livestock grazing, roads, and mining have also affected the habitat of the Sonora chub.

The Sonora chub draft recovery plan has been extensively reviewed. The plan will be issued as final following incorporation of comments and material received during this comment period.

Public Comments Solicited

The Service solicits written comments on the draft recovery plan described. All comments received by the date specified above will be considered prior to the approval of the plan.

Authority: The Authority for this action is section 4(f) of the Endangered Species Act, 16 U.S.C. 1533(f).

Dated: June 22, 1992.

James A. Young,

Acting Regional Director.

[FR Doc. 92-15526 Filed 7-1-92; 8:45 am]

BILLING CODE 4310-55-M

Availability of a Draft Environmental Impact Statement (EIS) on the proposed South Tongue Point Land Exchange and Marine Industrial Park Development Project

AGENCIES: U.S. Fish and Wildlife Service (lead agency); U.S. General Services Administration, U.S. Army Corps of Engineers, and Oregon Division of State Lands (cooperating agencies).

ACTION: Notice of availability and public meeting.

SUMMARY: This notice advises the public that the draft Environmental Impact Statement on the proposed South Tongue Point Land Exchange and Marine Industrial Park Development Project is available for public review. Comments are requested, and a public meeting will be held.

DATES: Written comments are requested by September 1, 1992. An "Open House" public meeting will be conducted at the Astoria Public Library, 450 10th Street, Astoria, Oregon, on August 12, 1992, from 5 p.m. to 8 p.m. Agency representatives will be available to answer questions and receive either written or oral comments concerning the draft EIS.

ADDRESS WRITTEN COMMENTS TO: Benjamin Harrison, South Tongue Point EIS Team Leader, U.S. Fish and Wildlife Service, Eastside Federal Complex, 911 NE, 11th Avenue, Portland, Oregon 97232-4181.

FOR FURTHER INFORMATION CONTACT: David Blum, South Tongue Point Project

Coordinator, Oregon Division of State Lands, 775 Summer Street NE, Salem, Oregon 97310.

Individuals wishing copies of this draft EIS for review should immediately contact the U.S. Fish and Wildlife Service (Service) Portland Regional Office. Copies of the draft EIS have been sent to all agencies and individuals who participated in the scoping process and to all others who have already requested copies.

SUPPLEMENTARY INFORMATION:

A. Background

In 1979, the U.S. Government declared the property known as South Tongue Point near Astoria, Oregon, to be excess to the Federal inventory. In 1981, the State of Oregon contacted the Federal Government regarding a possible exchange of property involving South Tongue Point and State-owned islands in the Columbia River.

In May 1989, the U.S. Navy contacted the Oregon Division of State Lands in regard to the possibility of homeporting mine hunter coastal vessels at South Tongue Point. At the time, the Division was studying the feasibility of acquiring South Tongue Point and developing the site as a marine industrial park in conjunction with the Federal Government's proposal to exchange property with the State of Oregon. The Navy's interest led to the development of a master plan for the marine industrial park at South Tongue Point, with the Navy as the first proposed tenant.

The General Services Administration is proposing to convey approximately 105 acres of land at South Tongue Point near Astoria, Oregon (Section 12, T.8N., R.9W), administered by the U.S. Army Corps of Engineers to the State of Oregon. In exchange for the Federal land, the State is proposing to convey nearby State-owned land of equal appraised value, within the administrative boundary of Lewis and Clark National Wildlife Refuge (Refuge), to the General Services Administration who will in turn transfer those lands to the U.S. Fish and Wildlife Service.

The State is proposing to develop a multitenant shallow draft marine industrial park and moorage facility for the U.S. Navy on the property conveyed to them. Development plans include a 7-acre site to homeport two mine hunter coastal vessels and a variety of water-dependent and general industrial uses. Water-dependent uses would have water access by means of pile-supported piers. General industrial uses would be located in upland areas without water access.

This development activity is intended to create real property assets and associated income for the Common School Fund of the State of Oregon, encourage new industrial employment within the area, and contribute to the economic stability and employment diversification of Clatsop County and the State of Oregon. Under the proposed action, the U.S. Fish and Wildlife Service would gain fee title to lands within the administrative boundary of the Refuge. This would provide the Service with the needed management flexibility to control future expected incompatible uses and enhance wildlife populations and their habitats.

B. Development of the Draft EIS

This draft EIS has been developed cooperatively by the U.S. Fish and Wildlife Service, Pacific Division (lead agency); U.S. Army Corps of Engineers, Portland District; U.S. General Services Administration, San Francisco Office; and Oregon Division of State Lands.

In the development of this draft EIS, the U.S. Fish and Wildlife Service has initiated action to assure compliance with the purpose and intent of the National Environmental Policy Act of 1969, as amended. Scoping activities were undertaken preparatory to developing the EIS with a variety of federal, State, and local entities. A notice of intent to prepare the EIS was published in the *Federal Register* on November 4, 1991.

Key issues addressed in this draft EIS are identified as the effects that implementation of various alternatives would have upon (1) threatened and endangered species and their habitats, (2) other wildlife and their habitats, (3) physical environmental factors, and (4) local and regional economy.

C. Alternatives Analyzed in the Draft EIS

More than 20 alternatives were considered before limiting the alternatives to be advanced for further study. Alternatives considered but not advanced for detailed analysis included alternative development concepts, alternative sites, and single versus multitenant developments. Alternatives advanced for detailed analysis include (A) the proposed land exchange and development of a multitenant marine industrial development, (B) the proposed land exchange and multitenant marine industrial development with connecting road to North Tongue Point, and (c) a No Action Alternative. Alternative A is the Service's preferred alternative.

Implementation of Alternatives A and B would result in a beneficial situation in terms of meeting the project

objectives. Both alternatives would result in some detrimental environmental affects, for the most part, to biological factors. Alternative B would result in greater impacts on biological factors than Alternative A. Impacts under Alternative A can be mitigated to a degree of less than significant whereas impacts under Alternative B cannot be mitigated to a degree of less than significant. Alternative C would not have any impact on biological factors but would not meet the project objectives and would not have the beneficial economic impacts of either Alternative A or B.

Dated: June 17, 1992.

Marvin L. Plenert,

Regional Director.

[FR Doc. 92-15281 Filed 7-1-92; 8:45 am]

BILLING CODE 4310-55-M

National Park Service

Underground Railroad Advisory Committee

AGENCY: National Park Service, Department of the Interior.

ACTION: Underground Railroad Advisory Committee, notice of nominations solicitation.

SUMMARY: The Underground Railroad Advisory Committee was established by Public Law 101-628, November 28, 1990. The purpose of the Committee is to advise the Secretary of the Interior on matters relating to the study of the Underground Railroad, its routes and operations in order to preserve and interpret this aspect of American history.

DATES: All nominations should be received within 30 days from the date of publication of this notice.

ADDRESSES: Nominations should be sent to the Secretary, U.S. Department of the Interior, 1840 C Street, NW, Washington, D.C. 20240.

Nominations should identify the membership category or area of expertise and include a biographical outline with home and business addresses and telephone numbers and professional data as it relates to the proposed membership category.

FOR FURTHER INFORMATION CONTACT: Warren Brown, Park Planning and Protection Division, National Park Service, (202) 208-4285 or James Charleton, History Division, National Park Service, (202) 343-3793. A copy of the charter for this Committee is available upon request.

SUPPLEMENTARY INFORMATION: The Committee is to be composed of nine members appointed by the Secretary of the Interior including three with expertise in African American History, two with expertise in historic preservation, one with expertise in American History, and three from the general public. Members of the Committee serve without compensation, but may be reimbursed for expenses incurred in carrying out their responsibilities. Through this notice, the Secretary, U.S. Department of the Interior is soliciting nominations from interested organizations or individuals for any of the above membership categories.

Dated: June 19, 1992.

Manuel Lujan Jr.,

Secretary of the Interior.

[FR Doc. 92-15503 Filed 7-1-92; 8:45 am]

BILLING CODE 4310-70-M

Burro Management Plan; Lake Mead National Recreation Area; Intent To prepare an Environmental Impact Statement

SUMMARY: The National Park Service will prepare a Burro Management Plan/Environmental Impact Statement (BMP/EIS) for Lake Mead National Recreation Area, Arizona and Nevada, and initiate the scoping process for this document. This notice is in accordance with 40 CFR 1501.7 and 40 CFR 1508.22 of the regulations of the President's Council on Environmental Quality for the National Environmental Policy Act of 1969, Public Law 91-150. The BMP/EIS will describe and analyze alternative prescriptions for effective burro management within the recreation area.

Issues to be addressed in the BMP/EIS include, but are not limited to: (1) Burro management; (2) Impacts of burros to park resources and resource programs; (3) public safety; and (4) prevention of range expansion. Alternatives, including a no-action alternative, to address these issues will be developed through the public participation process. Additionally, the EIS process will provide a comprehensive analysis of impacts associated with burro management for each alternative developed.

SUPPLEMENTARY INFORMATION: Any one wishing to participate in or comment on this planning process should write the Superintendent, Lake Mead National Recreation Area, 601 Nevada Highway, Boulder City, NV 89005, telephone (702) 293-8946.

The responsible official is Stanley T.

Albright, Regional Director, Western Region, National Park Service. Public involvement to begin formulating the BMP/EIS issues and alternatives is expected to commence in fall 1992. This will consist of a series of meetings for which advance notice will be provided. The draft BMP/EIS is expected to be available for public review in spring 1993, and the final plan, environmental statement and record of decision are to be completed about a year later.

Dated: June 13, 1992.

Lewis S. Albert,

Acting, Regional Director, Western Region.

[FR Doc. 92-15499 Filed 7-1-92; 8:45 am]

BILLING CODE 4310-70-M

Blue Ridge Parkway; Prescription of Insignia

I hereby prescribe the "Grover Groundhog" symbol which is depicted below as well as the name "Grover Groundhog" as an official insignia and official mascot name of the Blue Ridge Parkway, a unit of the National Park System, United States Department of the Interior.

In making this prescription, I give notice that, under section 701 of Title 18 of the United States Code, whoever manufactures, sells, or possesses any badge, identification card, or other insignia of the design herein prescribed, or any colorable imitation thereof, or photographs, prints or in any other manner makes or executes any engraving, photograph, prints, or impression in the likeness of any such badge, identification card, or other insignia or any colorable imitation thereof, except as authorized under regulations made pursuant to law, shall be fined not more than \$250 or imprisoned not more than six months, or both.

Notice is given that in order to prevent proliferation of the distinctive Grover Groundhog Insignia and to assure against its use for purposes other than to identify environmental education, ecological awareness, anti-litter campaigns, and other nature oriented efforts and purposes which, in the determination of the National Park Service, are consistent with the purpose for which the parkway was established, the National Park Service will proceed to secure trademark registration under section 1115 of Title 15 of the United States Code for the Grover Groundhog Insignia.



Dated: June 19, 1992.

C.W. Ogle,

Acting Regional Director Southeast Region.

[FR Doc. 92-15502 Filed 7-1-92; 8:45 am]

BILLING CODE 4310-70-M

Civil War Sites Advisory Commission; Meetings

AGENCY: National Park Service. Department of the Interior.

ACTION: Notice of meeting of the Civil War Sites Advisory Commission.

Notice is hereby given in accordance with the Federal Advisory Committee Act, 5 U.S.C. Appendix (1988), that a meeting of the Civil War Sites Advisory Commission will be held on July 18, 1992, and July 20, 1992, at the Fayetteville Hilton, 70 North East Street, Fayetteville, Arkansas, 72701 (501/442-5555).

The July 18, 1992, session (Saturday) will begin at 2 p.m. and conclude not later than 4:30 p.m. The July 20, 1992, session (Monday) will begin at 9 a.m. and conclude not later than 12:30 p.m.

These sessions constitute the eighth meeting of the Commission. The primary focus of the meeting will be on the subject of preserving and protecting Civil War sites. The Commission will welcome input from the public on the subject, especially as it relates to Civil War sites in Arkansas and surrounding states.

Space and facilities to accommodate members of the public may be limited and persons will be accommodated on a first-come, first-served basis. Anyone may file a written statement with the Commission concerning matters to be discussed.

Persons wishing further information concerning the meeting or who wish to submit written statements, may contact

Ms. Jan Townsend, Interagency Resources Division, P.O. Box 37127, Washington, D.C. 20013-7127 (telephone 202-343-3936). Draft summary minutes of the meeting will be available for public inspection about 8 weeks after the meeting, in room 6111, 1100 L Street, NW., Washington, DC.

Dated: June 18, 1992.

Carol D. Shull,

Acting Executive Director and Chief,
Interagency Resources Division.

[FR Doc. 92-15500 Filed 7-1-92; 8:45 am]

BILLING CODE 4310-70-M

**Weir Farm National Historic Site
Ridgefield/Wilton, CT; General
Management Plan Intent To Prepare an
Environmental Impact Statement and
Notice of Public Scoping Meeting**

In accordance with section 102(c) of the National Environmental Policy Act of 1969, the National Park Service (NPS) is preparing an Environmental Impact Statement (EIS) for the General Management Plan (GMP) for Weir Farm National Historic Site, Fairfield County, Ridgefield/Wilton, Connecticut. The GMP/EIS will provide general management direction for the historic site's natural and cultural resources as well as alternatives addressing visitor use and services, treatment of the cultural landscape, maintenance of the historic structures, interpretation and any appropriate boundary adjustments. A no-action alternative will also be presented in the GMP/EIS.

The NPS will hold a public meeting on July 15, 1992, at the Wilton Library, Wilton, Connecticut, beginning at 7 p.m. The purpose of this meeting is to solicit from the public both written and verbal comments concerning possible environmental impact topics for consideration in preparation of the EIS. The NPS has tentatively identified several potential topics including wetlands, the park's relationship to adjacent lands and cultural resources.

Written comments and suggestions concerning impact topics for the EIS must be submitted to the National Park Service by August 15, 1992. A scoping document will be prepared shortly after the close of the scoping period. A draft EIS is expected to be available for public review in the summer of 1993, with the final EIS scheduled for September 1994.

The responsible official for the EIS is Marie Rust, Acting Regional Director, North Atlantic Region, National Park Service. Written comments and requests for information should be directed to

Sarah Olson, Superintendent, Weir Farm National Historic Site, 735 Nod Hill Road, Wilton, Connecticut, 06897; (203) 834-1896.

Dated: June 19, 1992.

Marie Rust,

Acting Regional Director.

[FR Doc. 92-15501 Filed 7-1-92; 8:45 am]

BILLING CODE 4310-70-M

**INTERSTATE COMMERCE
COMMISSION**

[Docket No. AB-1 (Sub-No. 235X)]

**Chicago and North Western
Transportation Co.—Abandonment
Exemption—in Milwaukee County, WI**

Applicant has filed a notice of exemption under 49 CFR 1152 subpart F—Exempt Abandonments to abandon its 1.2-mile line of railroad between milepost 2.54, near Lincoln Avenue, and milepost 1.54, near Washington Street, in the City of Milwaukee, Milwaukee County, WI.

Applicant has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) any overhead traffic on the line can be rerouted over other lines; and (3) no formal complaint filed by a user of rail service on the line (or a State or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or with any U.S. District Court or has been decided in favor of the complainant within the 2-year period. The appropriate State agency has been notified in writing at least 10 days prior to the filing of this notice.

As a condition to use of this exemption, any employee affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10505(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance has been received, this exemption will be effective on August 1, 1992, (unless stayed pending reconsideration). Petitions to stay that do not involve environmental issues,¹

¹ A stay will be routinely issued by the Commission in those proceedings where an informed decision on environmental issues (whether raised by a party or by the Section of Energy and Environment in its independent investigation) cannot be made prior to the effective date of the notice of exemption. See *Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any entity

formal expressions of intent to file an offer of financial assistance under 49 CFR 1152.27(c)(2),² and trail use/rail banking statements under 49 CFR 1152.29 must be filed by July 13, 1992.³ Petitions for reconsideration or requests for public use conditions under 49 CFR 1152.28 must be filed July 22, 1992, with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any petition filed with the Commission should be sent to applicant's representatives: Robert T. Opal, Chicago and North Western Transportation Company, One North Western Center, Chicago, IL 60606-1551.

If the notice of exemption contains false or misleading information, use of the exemption is void *ab initio*.

Applicant has filed an environmental report which addresses environmental or energy impacts, if any, from this abandonment.

The Section of Energy and Environment (SEE) will prepare an environmental assessment (EA). SEE will issue the EA by July 13, 1992. Interested persons may obtain a copy of the EA from SEE by writing to it (Room 3219, Interstate Commerce Commission, Washington, DC 20423) or by calling Elaine Kaiser, Chief, SEE at (202) 275-7684. Comments on environmental and energy concerns must be filed within 15 days after the EA becomes available to the public.

Environmental, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Decided: June 24, 1992.

By the Commission, David M. Konschnik,
Director, Office of Proceedings.
Sidney L. Strickland, Jr.,
Secretary.

[FR Doc. 92-15602 Filed 7-1-92; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-43 (Sub-No. 154X)]

**Illinois Central Railroad Co.—
Abandonment Exemption—in St.
Tammany Parish, LA**

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Exemption.

seeking a stay involving environmental concerns is encouraged to file its request as soon as possible in order to permit this Commission to review and act on the request before the effective date of this exemption.

² See *Exempt. of Rail Abandonment—Offers of Finan. Assist.*, 4 I.C.C. 2d 164 (1987).

³ The Commission will accept a late-filed trail use statement so long as it retains jurisdiction to do so.

SUMMARY: The Commission exempts from the prior approval requirements of 49 U.S.C. 10903-10904 the abandonment by Illinois Central Railroad Company of a 29.14-mile line of railroad between Milepost NA 38.25 at Colt, LA and Milepost NA 67.39 at Covington, LA, in St. Tammany Parish, LA, subject to employee protective, historic preservation, salvage, and public use conditions.

DATES: Provided no formal expression of intent to file an offer of financial assistance has been received, this exemption will be effective on August 3, 1992. Formal expression of intent to file an offer¹ of financial assistance under 49 CFR 1152.27(c)(2) must be filed by July 13 1992, petitions to stay must be filed by July 13, 1992, and petitions for reconsideration must be filed by July 22, 1992.

ADDRESSES: Send pleadings, referring to Docket No. AB-43 (Sub-No. 154X), to:

- (1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423; and
- (2) Petitioner's representative: William C. Sippel, Oppenheimer Wolff & Donnelly, Two Illinois Center, 233 North Michigan Avenue, suite 2400, Chicago, IL 60601.

FOR FURTHER INFORMATION CONTACT: Richard B. Felder, (202) 927-5610. (Assistance for the hearing impaired is available through TDD Services (202) 927-5721.)

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: Dynamic Concepts, Inc., room 2229, Interstate Commerce Commission Building, Washington, DC 20423. Telephone: (202) 289-4357/4359.

Decided: June 17, 1992.

By the Commission, Chairman Philbin, Vice Chairman McDonald, Commissioners Simmons, Phillips, and Emmett. Vice Chairman McDonald and Commissioner Simmons dissented with separate expressions.

Sidney L. Strickland, Jr.,
Secretary.

[FR Doc. 92-15603 Filed 7-1-92; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 32081]

Union Pacific Railroad Co. and Burlington Northern Railroad Co.—Joint Relocation Project Exemption

Union Pacific Railroad Company (UP) and Burlington Northern Railroad Company (BN), on June 3, 1992, jointly filed a verified notice of exemption under 49 CFR 1180.2(d)(5) to relocate a line of railroad between Dover and Sandpoint, ID. UP and BN currently operate over trackage in the area of Sandpoint. The tracks of the two carriers at Dover are parallel but they separate at a point just west of Sandpoint. From the split at that point, BN's line traverses to the west of Sandpoint while UP's line traverses through Sandpoint. The City of Sandpoint has requested UP to relocate away from the City's populous and business centers to BN's tracks, resulting in UP and BN entering into this joint project.

The joint project involves (1) the acquisition of trackage rights by UP over BN's line between BN milepost 1406.3 near Dover and BN milepost 1402.2 plus 6,000 feet near Sandpoint, a distance of approximately 5.2 miles; (2) the construction by UP of connector tracks from Dover to BN milepost 1406.3 and at Sandpoint at the end of BN's 6,000 feet; and (3) the abandonment of certain segments of UP's existing line from milepost 71.45 near Dover to milepost 75.00 near Sandpoint and from milepost 75.21 to milepost 75.44, a distance of approximately 3.78 miles.

The basic relocation project at issue here was previously exempted in Finance Docket No. 30851, Spokane International Railroad Company and Burlington Northern Railroad Company—Joint Project for Relocation of a Line of Railroad (not printed), served July 25, 1986, and Finance Docket No. 30851 (Sub-No. 1), Spokane International Railroad Company—Construction and Operation Exemption—Sandpoint, ID (not printed), served November 3, 1986. However, the project was never consummated because environmental constraints precluded an economical implementation of the track alignments and trackage connection of the original project. The parties have modified the original agreement and entered into a supplemental agreement which provides for new alignments, refurbishment of existing trackage, trackage to provide for car storage for BN, and freight car interchange between BN and UP.¹

¹ UP also requests that, as advised by Commission personnel, Finance Docket No. 30851

The shippers of UP will continue to be served without any disruption of service. There will be no expansion into new territory; nor will there be a change in the existing competitive situation.

The joint relocation project will result in the removal of trains from the populous and business areas of Sandpoint, and provide for a more efficient and effective utilization of railroad equipment and resources. The transaction was to have been consummated on or after June 10, 1992.

The Commission will exercise jurisdiction over the abandonment and/or construction component of a relocation project only where the proposal involves, for example, a change in service to shippers, expansion into new territory, or a change in existing competitive situations. See, generally, *Denver & R.G.W.R. Co.—Jt. Proj.—Relocation over BN*, 4 I.C.C.2d 95 (1987). Under these standards, the abandonment and construction of track under consideration here are not subject to the Commission's jurisdiction. The Commission has determined that line relocations embrace trackage rights transactions such as the one proposed here. See *D.T. & I.R.—Trackage Rights*, 363 I.C.C. 878 (1981).

As a condition to the use of this exemption, any employees affected by the trackage rights agreement will be protected by the conditions in *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980), and as clarified in *Wilmington Term. R.R., Inc.—Pur. & Lease—CSX Transp. Inc.*, 6 I.C.C. 2d 799 (1990), *aff'd sub nom. Railway Labor Executives Ass'n v. ICC*, 930 F.2d 511 (6th Cir. 1991).

Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed any time. The filing of a petition to revoke will not stay the transaction. Pleadings must be filed with the Commission and served upon: Joseph D. Anthofer and Jeanna L. Regier, 1416 Dodge Street, room 830, Omaha, NE 68179.

Dated: June 25, 1992.

and Finance Docket No. 30851 (Sub-No. 1) be "deleted". While the filing of the notice in the Finance Docket No. 32081 proceeding was proper since the content of the joint relocation has changed, it is not necessary to delete the earlier proceedings. The exemptions are permissive only and the parties are under no obligation to consummate them.

¹ See Exempt. of Rail Abandonment—Offers of Finan. Assist., 4 I.C.C.2d 164 (1987).

By the Commission, David M. Konschnik,
Director, Office of Proceedings.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 92-15601 Filed 7-1-92; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Lodging of a Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on June 17, 1992, a proposed consent decree in *United States v. Cannons Engineering Corporation, et al.*, Civil Action No. 88-1786-WF, was lodged with the United States District Court for the District of Massachusetts. The decree resolves claims of the United States against defendant Mark Ostroff ("Settling Defendant") in the above-referenced action under the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA") for contamination at four Superfund sites. The four sites are the Cannons Engineering Superfund Site in Bridgewater, Massachusetts, the Plymouth Superfund Site in Plymouth, Massachusetts, the Gilson Road Superfund Site in Nashua, New Hampshire, and the Tinkham's Garage Superfund Site in Londonderry, New Hampshire (collectively, the "Sites"). In the proposed consent decree the Settling Defendant agrees to pay the United States \$74,500.00 in settlement of the United States' claims for past and future response costs incurred and to be incurred by the Environmental Protection Agency at the Sites.

The proposed decree may be examined at the Environmental Enforcement Section Document Center, 601 Pennsylvania Avenue NW., Box 1097, Washington, DC 20004, (202) 347-2072. A copy of the decree may be obtained in person or by mail from the Document Center. In requesting copies of the decree, please enclose a check for \$6.00 (25 cents per page reproduction cost) payable to Consent Decree Library.

The Department of Justice will receive written comments relating to the proposed consent decree for a period of thirty (30) days from the date of this notice. Comments should be addressed to Assistant Attorney General, Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States v. Cannons*

Engineering Corporation, et al., (DOJ Reference No. 90-11-3-105).

John C. Cruden,

Chief Environmental Enforcement Section,
Environment and Natural Resources Division.

[FR Doc. 92-15481 Filed 7-1-92; 8:45 am]

BILLING CODE 4410-01-M

Lodging of Final Judgment by Consent Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act

In accordance with Departmental policy, 28 CFR 50.7, and section 122(d)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. 9622(d)(2), notice is hereby given that on June 16, 1992, a proposed Consent Decree in *United States v. Modern Trash Removal of York, Inc.*, Civil Action No. 92-0819 was lodged with the United States District Court for the Middle District of Pennsylvania.

Simultaneously with the lodging of the proposed Consent Decree, the United States filed a complaint in the United States District Court for the Middle District of Pennsylvania alleging that defendant Modern Trash Removal of York, Inc. is liable for response costs incurred and to be incurred by the United States in addressing the release or threat of release of hazardous substances at the Modern Landfill Superfund Site (the "Site"), located about eight miles east of the City of York in Windsor and Lower Windsor Townships, York County, Pennsylvania. Defendant is alleged to be the current owner and operator of the Site, and the owner and operator at the time that some of the alleged disposal of hazardous substances there occurred.

The complaint seeks, *inter alia*, an injunction requiring the defendant to perform a clean-up of the Site in accordance with a remedy that has been selected by EPA pursuant to section 106 of CERCLA, 42 U.S.C. 9606, and a judgment against the defendants for all costs incurred by the United States for response activities related to the Site, pursuant to section 107(a) of CERCLA, 41 U.S.C. 9607(a).

The proposed Consent Decree would settle the allegations made in the complaint. Under the terms of the proposed Consent Decree, the defendant has agreed to reimburse the Hazardous Substance Response Trust Fund in the amount of \$235,212.06, representing 100% of response costs incurred by EPA in connection with the Site through May 28, 1991. The proposed Consent Decree further requires the defendant to continue a clean-up of hazardous

substances at the Site in accordance with a remedy selected by EPA, and to reimburse the United States all costs incurred in overseeing the defendant's performance of the remedy.

The Department of Justice will receive comments relating to the proposed Consent Decree for a period of thirty (30) days from the date of this publication. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States v. Modern Trash Removal of York, Inc.*, D.J. No. 90-11-2-722.

The proposed Consent Decree may be examined at the office of the United States Attorney for the Middle District of Pennsylvania, suite 1162, Federal Building, 228 Walnut Street, Harrisburg, Pennsylvania 17108 and the U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107. The proposed Consent Decree may also be examined at the Environmental Enforcement Section Document Center, 601 Pennsylvania Avenue NW., Box 1097, Washington, DC 20004, 202-347-2072. A copy of the proposed Consent Decree may be obtained in person or by mail from the Document Center. In requesting a copy, please enclose a check in the amount of \$28.25 (25 cents per page reproduction costs) payable to "Consent Decree Library."

John C. Cruden,

Chief Environmental Enforcement Section,
Environment and Natural Resources Division.

[FR Doc. 92-15487 Filed 7-1-92; 8:45 am]

BILLING CODE 4410-01-M

Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that a proposed consent decree in *United States v. Re-Solve Inc., et al.*, Civil Action No. 90-10490K, was lodged on June 18, 1992, with the United States District Court for the District of Massachusetts. The eight settling defendants are generators who arranged to have hazardous substances sent to Re-Solve, Inc. Superfund Site in North Dartmouth, Massachusetts for treatment. The proposed consent decree requires the defendants to pay the United States approximately \$1.2 million.

The Department of Justice will receive, for a period of thirty (30) days

from the date of this publication, comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States v. Re-Solve, Inc., et al.*, D.J. reference #90-11-2-58 A.

The proposed consent decree may be examined at the Office of the United States Attorney for the District of Massachusetts, 1107 J.W. McCormack Building, POCH, Boston, Massachusetts; the Region I Office of the Environmental Protection Agency, John F. Kennedy Federal Building, Boston, Massachusetts; and at the Environmental Enforcement Section Document Center, 601 Pennsylvania Avenue NW., Box 1097, Washington, DC 20004, (202) 347-2072. A copy of the proposed consent decree may be obtained in person or by mail from the Document Center. In requesting a copy, please enclose a check in the amount of \$8.00 (25 cents per page reproduction costs), payable to the Consent Decree Library.

Barry M. Hartman,

Acting Assistant Attorney General,
Environmental and Natural Resources
Division.

[FR Doc. 92-15486 Filed 7-1-92; 8:45 am]

BILLING CODE 4410-01-M

Lodging Final Judgment By Consent Pursuant to the Safe Drinking Water Act

Notice is hereby given that on June 22, 1992, a proposed consent decree in *United States v. Ruby Drilling Company, et al.*, Civil Action No. 92CV1020-J, was lodged with the United States District Court for the District of Wyoming. The suit was brought, pursuant to the Safe Drinking Water Act ("SDWA"), 42 U.S.C. 300f *et seq.*, for violations of Section 1414 of the SDWA, 42 U.S.C. 300g-3, and of the National Primary Drinking Water Regulations ("NPDWRs"), 40 CFR part 141, pertaining to a public water system located in the Concho Valley Estates Subdivision, Campbell County, Wyoming.

The proposed consent decree between the United States and the defendants resolves the subject violations by clarifying ownership of the Concho Valley Water System and requiring that the System come into compliance with the SDWA and NPDWRs. The proposed consent decree provides for a \$2,000 civil penalty to be paid by defendants

Jesse Dale Ruby and Ruby Drilling Company for past violations.

The Department of Justice will receive comments relating to the proposed consent decree for a period of thirty days from the date of publication of this notice. Comments should be addressed to the Acting Assistant Attorney General, Environment and Natural Resources Division, Department of Justice, Washington, DC, 20530, and should refer to *United States v. Ruby Drilling Company*, DOJ Ref. No. 90-5-1-1-3633. The proposed consent decree may be examined at the Office of the United States Attorney, District of Wyoming, 110 South Wolcott, room 115, Casper, Wyoming 82601. A copy of the proposed consent decree may also be examined at the Environmental Enforcement Section Document Center, 601 Pennsylvania Avenue NW., Box 1097, Washington, DC 20004. A copy of the proposed consent decree may be obtained in person or by mail from the Document Center. In requesting a copy please enclose a check in the amount of \$4.50 (25 cents per page reproduction costs) payable to "Consent Decree Library."

Roger Clegg,

Acting Assistant Attorney General,
Environment and Natural Resources Division.

[FR Doc. 92-15541 Filed 7-1-92; 8:45 am]

BILLING CODE 4410-01-M

[AAG/A Order No. 67-92]

Privacy Act of 1974 as Amended by Computer Matching and Privacy Protection Act of 1988

This notice is published in the *Federal Register* in accordance with the requirements of 5 U.S.C. 552a(3)(12). The Immigration and Naturalization Service (INS), Department of Justice (the source agency), is participating in computer matching programs with the District of Columbia and agencies of four states (all designated as recipient agencies). The matching programs were undertaken to make eligibility determinations under the "Systematic Alien Verification for Entitlements (SAVE)" program which was established pursuant to the Immigration Reform and Control Act (IRCA) of 1986 (Public Law No. 99-603).

Notice of the matching programs was originally published in the *Federal Register* on December 28, 1989 (54 FR 53382); the programs were effective on January 29, 1990. Duration was 18 months plus a one-year extension permitted by the Privacy Act of 1974, as amended by the Computer Matching and Privacy Protection Act of 1988, (5 U.S.C.

552a(o)(2)(O) and (D)). The one-year extension will expire July 29, 1992. Thus, the following notice represents the approval of new agreements by the Department of Justice Data Integrity Board to continue (on the effective date as indicated below) computer matching activities which will permit the recipient agencies to confirm the immigration status of alien applicants for, or recipients of, Federal benefits assistance as required by section 121 of IRCA. Specially, the matching activities will permit the following eligibility determinations:

(1) The District of Columbia Department of Employment Services; the New York Department of Labor; and the Texas Employment Commission will be able to determine eligibility status for unemployment compensation.

(2) The California State Department of Social Services will be able to determine eligibility status for the Aid to Families with Dependent Children (AFDC) Program, and the Food Stamps Program.

(3) The Colorado Department of Social Services will be able to determine the eligibility status for the Medicaid Program, the AFDC Program, and the Food Stamps Program.

Section 121(c) of IRCA amends section 1137 of the Social Security Act and requires agencies which administer the Federal benefit programs designated within IRCA to use the INS verification system to determine eligibility. Accordingly, through the use of user identification codes and passwords, authorized persons from these agencies may electronically access the data base of an Immigration and Naturalization Service Privacy Act system of records entitled "Alien Status Verification Index, JUSTICE/INS-009." From its automated records system, any aforementioned agency participating in these matching programs may enter electronically into the INS data base the alien registration number of the applicant or recipient. This action will initiate a search of the INS data base for a corresponding alien registration number. Where such number is located, the agency will receive electronically from the INS data base the following data upon which to determine eligibility: Alien registration number; last name; first name; date of birth; country of birth; social security number (if available); date of entry; immigration status data; and employment eligibility data. In accordance with 5 U.S.C. 552a(p), such agencies will provide the alien applicant with 30 days notice and an opportunity to contest any adverse finding before final action is taken against that alien because of ineligibility

immigration status as established through the computer match.

Matching activity will be effective 30 days after publication in the **Federal Register** (August 3, 1992), and will continue for a period of 18 months from the effective date unless extended for one year by the Data Integrity Board of the Department of Justice.

The matching agreements and the required report have been provided to the Office of Management and Budget and the Congress in accordance with 5 U.S.C. 552a(o)(2)(A) and (r). Inquiries may be addressed to Patricia E. Neely, Staff Assistant, Systems Policy Staff, Justice Management Division, Department of Justice, Washington, D.C. 20530 (Room 1103, CAB Building).

Dated: June 26, 1992.

Harry H. Flickinger,
Assistant Attorney General for
Administration.

[FR Doc. 92-15512 Filed 7-1-92; 8:45 am]

BILLING CODE 4410-10

Antitrust Division

Notice Pursuant to the National Cooperative Research Act of 1984—Bell Communications Research, Inc.

Notice is hereby given that, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301 *et seq.* ("the Act"), Bell Communications Research, Inc. ("Bellcore") on May 27, 1992 filed an additional written notification on behalf of Bellcore and Toshiba Corporation, ("Toshiba") simultaneously with the Attorney General and the Federal Trade Commission disclosing certain information. The additional written notification was filed for the purpose of extending the protections of section 4 of the Act limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

On December 14, 1989, Bellcore and Toshiba filed their original notification pursuant to section 6(a) of the Act. The Department of Justice (the "Department") published a notice in the **Federal Register** pursuant to section 6(b) of the Act on January 19, 1990 (55 FR 1882).

Bellcore and Toshiba entered into an Extension Agreement effective March 24, 1992 to collaborate on research to better understand the applications for exchange and exchange access services of devices and equipments for various communications technologies, including asynchronous transfer mode technology for broadband services and wireless technology for radio communications services, including demonstrating the

feasibility of research concepts by means of experimental prototypes and experimental systems of such technology.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 92-15562 Filed 7-1-92; 8:45 am]

BILLING CODE 4410-01-M

Notice Pursuant to the National Cooperative Research Act of 1984—the Frame Relay Forum

Notice is hereby given that, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301 *et seq.* ("the Act"), The Frame Relay Forum ("FRF") on April 10, 1992, filed a written notification simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties to the venture and (2) the nature and objectives of the venture. The notification was filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to section 6(b) of the Act, the identities of the parties to the venture, and its general areas of planned activities, are given below.

The members of FRF are:

3Com Corporation, Santa Clara, CA;
ADAX, Inc., Berkeley, CA;
Advanced Computer Communications, Cupertino, CA;
AMNET, Inc., Framingham, MA;
Andrew Corporation, Torrance, CA;
AT&T Data Communications Services, Bridgewater, NJ;
AT&T Network Systems, Warren, NJ;
AT&T Paradyne, Largo, FL;
BBN Communications, Cambridge, MA;
Bell Atlantic, Arlington, VA;
Bellcore, Redbank, NJ;
BellSouth Telecommunications, Birmingham, AL;
BT North America, San Jose, CA;
Cable & Wireless Communications, Inc., Vienna, VA;
Cascade Communications, Westford, MA;
Cisco Systems, Inc., Menlo Park, CA;
CompuServe, Inc., Columbus, OH;
Digital Equipment Corporation, Littleton, MA;
Digitech Industries, Inc., Ridgefield, CT;
Dowty Communications, Inc., Cherry Hill, NJ;
Dynatech Communications, Inc., Woodbridge, VA;
EICON Technology, Lachine, PQ, CANADA;
Ericsson Business Comm AB, Sundbyberg, SWEDEN;

FastComm Communications, Sterling, VA;

Fujitsu (FNTS), Richardson, TX;

General DataComm, Inc., Middlebury, CT;

Graphnet, Inc., Teaneck, NJ;

GN Navtel, Markham, ON, CANADA;

Hewlett-Packard/IDACOM, Edmonton, AB, CANADA;

Hughes LAN Systems, Mountain View, CA;

Hughes Network Systems, Germantown, MD;

International Business Machines Corporation, Research Triangle Park, NC;

Infonet, El Segundo, CA;

KDD America, Inc., New York, NY;

LIR Corporation, San Jose, CA;

MCI Communications, McLean, VA;

Microcom, Inc., Norwood, MA;

Motorola Codex, Mansfield, MA;

Multiaccess Computing, Santa Barbara, CA;

NCR, St. Paul, MN;

NEC America, Melville, NY;

Netcomm LTD, Essex, ENGLAND;

Netrix Corporation, Herndon, VA;

Network Equipment Tech., Redwood City, CA;

Network Systems Corporation, Minneapolis, MN;

Newbridge Networks, Inc., Herndon, VA;

Nokia Telecommunications, Helsinki, FINLAND;

Northern Telecom Inc., Richardson, TX;

Novell, San Jose, CA;

NYNEX, White Plains, NY;

Octocom Systems, Inc., Wilmington, MA;

OST, SA, Chantilly, VA;

Pacific Bell, San Ramon, CA;

Proteon, Westboro, MA;

Racal-Datcom, Inc., Ft. Lauderdale, FL;

Scientific Atlanta, Priv Network Bus Div Melbourne, FL;

Siemens Stromberg-Carlson, Boca Raton, FL;

StrataCom, Inc., San Jose, CA;

Sun Microsystems, Mountain View, CA;

Sync Research, Irvine, CA;

SynOptics Communications, Santa Clara, CA;

Tekelec, Calabasas, CA;

Telecom Finland, Tempere, FINLAND;

Telematics International, Inc., Herndon, VA;

Telenex Corporation, Springfield, VA;

Televerket, Telecommunication Services, FARSTA Stockholm, SWEDEN;

TIL Systems, Ltd., Toronto, ON, CANADA;

Timeplex, Inc., Woodcliff Lake, NJ;

Transwitch Corporation, Shelton, CT;

TTC, Germantown, MD;

Ungermann-Bass, Santa Clara, CA;

U S Sprint, Reston, VA;
 U S West, Denver, CO;
 Vitalink Communications, Fremont, CA;
 Wellfleet Communications, Inc.,
 Bedford, MA;
 WilTel, Tulsa, OK;
 Xyplex, Inc., Boxborough, MA; and;
 Zilog, Inc., Campbell, Ca.

FRF was incorporated on May 20, 1991. FRF is a not-for-profit, non-stock membership corporation organized under the laws of the State of California.

The FRF is dedicated to promoting the acceptance and implementation of frame relay technology based on national and international standards. FRF intends to undertake cooperative research, development, formulation and experimentation activities concerning frame relay technology. FRF intends to engage in all necessary activities to accomplish this objective including:

1. Prioritizing needs, defining problems and characterizing solutions related to frame relay technology;
2. Promoting the development of national and international industry standards for frame relay technology;
3. Developing the market for frame relay products, services and applications;
4. Contributing recommendations to standards bodies and attempting to persuade standards bodies;
5. Co-ordinating the development of conformance tests, defining interoperability, and working with testing laboratories to develop baseline tests for frame relay technology;
6. Conducting research and experimentation to identify frame relay applications;
7. Providing educational services and reviews of frame relay course offerings;
8. Promoting worldwide interoperability of frame relay technology;
9. Facilitating "inter-carrier" public frame relay services; and
10. Encouraging technical and marketing issues for the national and international standards bodies.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 89-15564 Filed 7-1-92; 8:45 am]

BILLING CODE 4410-01-M

Notice Pursuant to the National Cooperative Research Act of 1984—Open Software Foundation, Inc.

Notice is hereby given that, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301 *et seq.* ("the Act"), Open Software Foundation, Inc. ("OSF") on April 30, 1992, filed an additional

written notification simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The additional notification was filed for the purpose of extending the protections of section 4 of the Act limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

On August 8, 1988, OSF and the Open Software Foundation Institute, Inc. (the "Institute") filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice (the "Department") published a notice in the Federal Register pursuant to Section 6(b) of the Act on September 7, 1988 (53 FR 34594). On November 4, 1988, February 2, 1989, May 3, 1989, July 28, 1989, October 26, 1989, January 22, 1990, April 19, 1990, July 24, 1990, October 22, 1990, January 28, 1991, April 25, 1991, July 25, 1991, October 28, 1991, and February 3, 1992, OSF filed additional written notifications. The Department published notices in the Federal Register in response to these additional notifications on November 25, 1988 (53 FR 47773), February 23, 1989 (54 FR 7893), August 25, 1989 (54 FR 35407), August 25, 1989 (54 FR 35408), November 29, 1989 (54 FR 49123), April 18, 1990 (55 FR 14493), May 21, 1990 (55 FR 20861), September 27, 1990 (55 FR 39528), December 28, 1990 (55 Fed. Reg. 53368), March 25, 1991 (56 FR 12387), June 13, 1991 (56 FR 27273), August 29, 1991 (56 FR 42757), December 23, 1991 (56 FR 66454), and March 24, 1992 (57 FR 10190), respectively.

Additionally, a correction notice to the June 13, 1991 notice was published on July 11, 1991 (56 FR 31675).

No new voting members have been added as of this filing. The identities of the new, non-voting members of OSF and the dates of their membership are: Nippon Telegraph and Telephone Corp., Yokosuka-shi, Kanagawa-ken 238-03, Japan (2/03/92); Thinking Machines Corporation, Cambridge, MA (2/03/92); IRA, University of Karlsruhe, Karlsruhe 7500, Germany (2/04/92); Imperial College of Science, Technology, Medicine, London SW7 2BZ, England (2/04/92); Lancaster University, Lancaster LA1 47R, England (2/04/92); Montana State University, Bozeman, MT (2/04/92); National Tsing Hua University, Hsin chu, Taiwan, China (2/04/92); RWTH-Aachen, Lehrstuhl Informatik, Aachen 5100, Germany (2/04/92); University of Zurich, Zurich CH-8057, Switzerland (2/04/92); Chinese Open Systems Association, Taipei, Taiwan (2/10/92); Lexcel, a Micro Technology, Inc., Company, Fullerton, CA (2/14/92); Office of Information Technology,

Washington, D.C. (2/14/92); Ascom Timeplex, Woodcliff Lake, NJ (2/20/92); University Central de Venezuela, Miami, FL (2/20/92); Lotus Development Corporation, Cambridge, MA (2/21/92); Ontario Hydro, Toronto XX M5G 2H1, Canada (2/24/92); GTE Irving, TX (3/12/92); Pyramid Technology, San Jose, CA (3/12/92); Rochester Institute of Technology, Rochester, NY (3/23/92); Software-Industrie Support Zentrum, D-4600 Dortmund 50, Germany (3/24/92); European Telecommunications Informatics Services, 1000 Brussels, Belgium, (3/25/92); Science and Engineering Research Council, Chilton, Didcot, Oxon OX11 00X, England (3/25/92); Argonne National Laboratory, Argonne, IL (3/26/92); Telecom Australia, Clayton, Victoria 3168 Australia (3/26/92); Cabletron Systems, Inc., Rochester, NH (4/09/92); Boole & Babbage, Inc., Sunnyvale, CA (4/10/92); Syracuse University, Syracuse, NY (4/13/92); CSIRO Division of Information Technology, Melbourne 3053, Australia (4/16/92); Novell, Inc., San Jose, CA (4/16/92); Interactive Systems Corporation, Naperville, IL (4/17/92); and Network Managers (UK) Ltd., Guildford, Surrey GB-902 5RF England (4/27/92).

Joseph H. Widmar,

Director of Operations Antitrust Division.

[FR Doc. 92-15563 Filed 7-1-92; 8:45 a.m.]

BILLING CODE 4410-01-M

Notice Pursuant to the National Cooperative Research Act of 1984—National Storage Industry Consortium

Notice is hereby given that, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301 *et seq.* ("the Act"), National Storage Industry Consortium ("NSIC") on May 22, 1992, has filed an additional written notification simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The additional written notification was filed for the purpose of extending the protections of Section 4 of the Act limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

On June 12, 1991, NSIC filed its original notification pursuant to section 6(a) of the Act. The Department of Justice (the "Department") published a notice in the Federal Register pursuant to section 6(b) of the Act on August 13, 1991, (56 FR 38465).

The following parties have become members of NSIC:

Amoco Technology, Naperville, Illinois;
 Ampex Recording Media Storage,
 Redwood City, California;

Conner Peripherals Inc., San Jose, California;
 Graham Magnetics Inc., Bedford, Texas;
 Maxtor Corp., San Jose, California;
 Metrum Information Storage, Littleton, Colorado;
 Read-Rite Corporation, Milpitas, California;
 Recording Physics, San Diego, California; and
 Spectral Diode Labs, San Jose, California.

The following colleges and universities have joined NSIC as university associate members:
 California Institute of Technology, Pasadena, California;
 George Washington University, Washington, D.C.;
 Georgia Institute of Technology, Atlanta, Georgia;
 Harvey Mudd College, Claremont, California;
 Northwestern University, Chicago, Illinois;
 Purdue University, West Lafayette, Indiana;
 Stevens Institute of Technology, Hoboken, New Jersey;
 University of Illinois, Urbana and Chicago, Illinois;
 University of Notre Dame, Notre Dame, Indiana; and
 University of Pittsburgh, Pittsburgh, Pennsylvania.

NSIC's area of activity remains the sponsorship of research in the area of information storage technology.

Joseph H. Widmar,
 Director of Operations, Antitrust Division.
 [FR Doc. 92-15561 Filed 7-1-92; 8:45 am]
 BILLING CODE 4410-01-M

Subsea Completed Buoyant Riser Joint Industry Study—Phase 1A

Notice is hereby given that, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301, *et seq.* ("the Act"), Aker Omega, Inc. on June 8, 1992, filed written notifications simultaneously with the Attorney General and the Federal Trade Commission of a project entitled, "Subsea Completed Buoyant Riser Joint Industry Study—Phase 1A." The notifications disclose (1) the identities of the parties to the project, and (2) the nature and objectives of the research to be performed in accordance with the project. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to section 6(b) of the Act, the identities of the parties to the project and its

general area of planned activities are given below.

The current parties to the project identified by this notice are: Aker Omega, Inc., Houston, Texas; Amoco Production Company, Houston, Texas; BP Exploration, Houston, Texas; Marathon Oil Company, Houston, Texas; and Statoil, a.s., NORWAY.

The purpose of the project is to perform a conceptual level design of the Subsea Completed Buoyant Riser ("SCBR") system, which consists of up to twenty individual risers, each of which is supported by syntactic foam buoyancy. The SCBR is part of a floating production system for the development of deepwater offshore oil fields. Each riser in the SCBR system is made up of a long rigid section, which extends upwards from a master valve assembly at the mudline to a "crown" elevation approximately 400 feet below the surface, where it terminates in a swab valve assembly ("SVA"). All SVAs are held together at the crown elevation by means of radial arms projecting from a vertically tethered central buoy. A flexible riser droops downward as it leaves the SVA and then extends upwards to the vessel. SCBR designs will be developed for both the Gulf of Mexico and offshore West Africa for 3,000 feet water depths.

Joseph H. Widmar,
 Director of Operations, Antitrust Division.
 [FR Doc. 92-15542 Filed 7-1-92; 8:45 am]
 BILLING CODE 4410-01-M

New York 235 Consortium

Notice is hereby given that, on June 18, 1992, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301, *et seq.* ("the Act"), Reckitt & Colman filed a written notification simultaneously with the Attorney General and the Federal Trade Commission disclosing a change in the membership of the parties to the New York 235 Consortium ("Joint Venture"). The notification was filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Reckitt & Colman advised that CIBA-GEIGY, Greensboro, NC, and Dragon Corporation, Roanoke, VA, have become parties to the Joint Venture. In addition, Consortium member Fairfield American Corporation, Frenchtown, NJ, has changed its corporate name to Roussel Environmental Health, and Consortium member Prentiss Drug and Chemical Co., Inc., Floral Park, NY, has changed its corporate name to Prentiss Incorporated.

No other changes have been made in either the membership or planned activity of the Joint Venture. Membership in this Joint Venture remains open, and the members intend to file additional written notification disclosing all changes in membership.

On May 20, 1991, the New York 235 Consortium filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the *Federal Register* pursuant to section 6(b) of the Act on June 20, 1991 (56 FR 28416).

Joseph H. Widmar,
 Director of Operations, Antitrust Division.
 [FR Doc. 92-15543 Filed 7-1-92; 8:45 am]
 BILLING CODE 4410-01-M

NATIONAL COMMISSION ON MIGRANT EDUCATION

ACTION: Notice of meeting.

SUMMARY: The National Commission on Migrant Education will hold its nineteenth meeting on Thursday, July 16, 1992, during a conference call between Commission members and staff. The Commission was established by Public Law 100-297, April 28, 1988.

DATE, TIME, AND PLACE: Thursday, July 16, 1992, 4 to 6 p.m. at 8120 Woodmont Avenue, Fifth Floor, Bethesda, MD 20814.

STATUS: Open to the public. Audio equipment provided for public attendance. Limited seating available.

AGENDA: Discussion of draft findings and recommendations for final report.

FOR FURTHER INFORMATION CONTACT: Elizabeth J. Skiles (303) 492-5336, National Commission on Migrant Education, 8120 Woodmont Avenue, Fifth Floor, Bethesda, Maryland 20814. Linda Chavez,
 Chairman.

[FR Doc. 92-15551 Filed 7-1-92; 8:45 a.m.]
 BILLING CODE 6820-DE-M

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Biological Sciences; Committee of Visitors; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463), as amended, the National Science Foundation announces the following meeting.

Name: Advisory Committee for Biological Sciences.

Date and Time: July 27-29, 1992.

Place: Rooms 540 and 540b 1800 G Street NW., Washington, DC 20050.

Type of Meeting: Closed.

Contact Person: James L. Edwards, Acting Division Director, Environmental Biology.

Purpose of Meeting: To provide oversight review of the Ecological Studies Cluster.

Agenda: To carry out Committee of Visitors (COV) review including examination of decisions on proposals, reviewer comments, and other materials.

Reason for Closing: The meeting is closed to the public because the Committee is reviewing proposal actions that will include privileged intellectual property and personal information that could harm individuals if they were disclosed. If discussions were open to the public, these matters that are exempt under 5 U.S.C. 552 b(c) (4) and (6) of the Government in the Sunshine Act would improperly be disclosed.

Dated: June 29, 1992.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92-15530 Filed 7-1-92; 8:45 am]

BILLING CODE 7555-01-M

Special Emphasis Panel in Engineering Infrastructure Development; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meeting.

Date and Time: July 20-21, 1992, 8 a.m.-5 p.m.

Place: Holiday Inn, Rhode Island at 17th St., NW., Washington, DC.

Type of Meeting: Closed.

Contact Person: Dr. Win Aung, Senior Staff Associate, DEID, National Science Foundation, 1800 G Street NW., Washington, DC 20550. Telephone: (202) 786-9530.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate research proposals as part of the selection process for awards in the Engineering Education Coalitions program.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: June 29, 1992.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92-15531 Filed 7-1-92; 8:45 am]

BILLING CODE 7555-01-M

Special Emphasis Panel in Materials Development, Research and Informal Science Education; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science

Foundation announces the following meeting.

Date and Time: July 24-25, 1992; 8:30 a.m. to 5:30 p.m.

Place: ANA Hotel, 2401 M Street, NW., Washington, DC.

Type of Meeting: Closed.

Contact Person: Alice J. Moses, Gerhard Salinger, Frank Sutman, Margaret Cozzens, Toni Kring, Donald Humphreys, and Jim Sandefur, MDR, rm. 835-A, National Science Foundation, 1800 G St. NW., Washington, DC 20550. Telephone: (202) 357-7066.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate Instructional Materials Development proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: June 29, 1992.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92-15533 Filed 7-1-92; 8:45 am]

BILLING CODE 7555-01-M

Special Emphasis Panel in Research Career Development; Notice Of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meeting.

Date and Time: July 29, 1992; 5 p.m. to 8:30 p.m., July 30, 1992; 8 a.m. to 5:30 p.m., July 31, 1992; 8 a.m. to 3 p.m.

Place: St. James Hotel, 950 24th Street, NW., Washington, DC.

Type of Meeting: Closed.

Contact Person: Dr. Virginia Eaton, Young Scholars Program, EHR, Rm. 1202, National Science Foundation, 1800 G St. NW., Washington, DC 20550. Telephone: (202) 357-7538.

Purpose of meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate Young Scholars proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: June 29, 1992.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92-15532 Filed 7-1-92; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

Proposed Generic Communication Supplement 1 to Generic Letter 83-28, "Required Actions Based on Generic Implications of Salem ATWS Events"

AGENCY: United States Nuclear Regulatory Commission.

ACTION: Notice of opportunity for public comment.

SUMMARY: The Nuclear Regulatory Commission (NRC) is proposing to issue a supplement to Generic Letter (GL) 83-28. A generic letter is an NRC document that transmits information to and requests that analyses or descriptions of proposed corrective actions or both be submitted by licensees or permit holders or both regarding matters of safety, safeguards, or environmental significance. Occasionally a generic letter requires a written response from licensees or permit holders. In addition, a generic letter is utilized by the NRC to inform licensees or permit holders of changes in NRC policy and requirements approved by the Committee to Review Generic Requirements (CRGR).

This draft supplement to GL 83-28 concludes that the requested licensee's actions specified in items 4.2.3 and 4.2.4 of GL 83-28 are not necessary. The staff reached this conclusion because it determined that the risk from failure of the reactor trip breakers has been sufficiently reduced as a result of the actions already completed in response to GL 83-28 and 10 CFR 50.62.

A differing professional opinion (DPO) was raised by an NRC employee regarding the issues covered by the proposed generic letter supplement. The resolution of the DPO was reviewed by the CRGR when the generic letter supplement was reviewed. The documents related to this can be found in the public document room with the minutes of the 220th meeting of the CRGR.

The NRC is seeking comment from interested parties regarding both the technical and regulatory aspects of the proposed generic letter supplement presented under the Supplementary Information heading. The NRC will consider comments received from interested parties in the final evaluation of the proposed generic letter.

supplement. Should this generic letter supplement be issued by the NRC, it will become available for public inspection in the Public Document Rooms.

DATES: Comment period expires August 3, 1992. Comments submitted after this date will be considered if it is practical to do so, but assurance of consideration cannot be given except for comments received on or before this date.

ADDRESSES: Submit written comments to Chief, Rules and Directives Review Branch, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Written comments may also be delivered to room P-223, Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland, from 7:30 a.m. to 4:15 p.m., Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, 2120 L Street, NW. (Lower Level), Washington, DC.

FOR FURTHER INFORMATION CONTACT: Leonard N. Olshan (301) 504-3018.

SUPPLEMENTARY INFORMATION: The proposed generic letter supplement text is given in its entirety below:

Supplement 1 to Generic Letter 83-28, "Required Actions Based on Generic Implications of Salem ATWS Events"

Purpose

The U.S. Nuclear Regulatory Commission (NRC) is issuing this generic letter supplement to inform licensees that the actions of items 4.2.3 (life testing) and 4.2.4 (periodic replacement of breakers or components) as originally described in the enclosure to Generic Letter (GL) 83-28, "Required Actions Based on Generic Implications of Salem ATWS Events" are no longer needed.

Background

On February 22 and 25, 1983, the Salem Nuclear Generating Station experienced anticipated transient without scram (ATWS) events. These events prompted the NRC to issue IE Bulletin 83-01, "Failure of Reactor Trip Breakers (Westinghouse DB-50) to Open on Automatic Trip Signal," to address the short-term corrective actions. The NRC also formed a task force to assess the generic implications of these events. Upon reviewing the findings of the task force, the NRC issued GL 83-28.

In GL 83-28, the staff requested the licensees to implement long-term corrective actions in response to the Salem events. GL 83-28 included two major actions to improve the reliability of the reactor trip system: (1) Install a plant modification that provided for the automatic actuation of the shunt trip

attachment of the reactor trip breaker (RTB) following any automatic reactor trip signal, and (2) establish a comprehensive program of preventive maintenance and surveillance testing to ensure reliable RTB operation. In addition, items 4.2.3 and 4.2.4 of GL 83-28 requested licensees to perform life testing of RTBs and periodically to replace the breakers or components in accordance with their demonstrated life.

The Staff's Revised Position on the Life Testing of Breakers

The modifications to automatically actuate the shunt trip attachments of RTBs following any automatic reactor trip signal and the program of preventive maintenance and surveillance testing requested by GL 83-28 have been implemented by licensees. However, the life testing and program for periodic replacement of breakers or components requested by items 4.2.3 and 4.2.4 of GL 83-28 have not been fully implemented. The licensees contend that further life testing of the RTBs is not necessary because of their extensive quality assurance, preventive maintenance, and surveillance testing programs. In the process of determining if additional guidance on items 4.2.3 and 4.2.4 was needed, the staff reviewed operating experience for the period 1986 through early 1991 based upon information in the Nuclear Plant Reliability Data System and in Licensee Event Reports. The review revealed that the vast majority of reported failures have been failures to close, rather than failures to open, or degraded conditions detected during planned maintenance, testing, and inspection. Three cases of slow opening were identified, as well as several cases where either the shunt trip or the undervoltage trip attachment, but not both, failed to perform satisfactorily. However, the review identified only one failure of a RTB to open, in which both the undervoltage and the shunt trip attachments failed to cause the breaker to open. Since the staff conducted this review in December 1991, there has been an additional instance in which a RTB failed to fully open on demand during a routine surveillance test. In light of this RTB operating experience, the staff has concluded that the actions already completed pursuant to GL 83-28 have been effective in improving RTB reliability to open and that further actions to address the end-of-life degradation in breaker reliability are not justified. Furthermore, since issuing GL 83-28, the NRC has promulgated the requirements for reducing the risk from ATWS events in 10 CFR 50.62. The hardware and software modifications associated with this regulation further

reduce the risk resulting from the failure of RTBs. Therefore, the staff concludes that licensee actions in response to items 4.2.3 and 4.2.4 of GL 83-28 are not necessary.

To the extent that licensees may have made commitments to programs for periodically replacing RTBs or components in responses to GL 83-28, they may review and modify these programs taking into account their plant-specific operating experience, maintenance programs, and root cause determination programs for RTBs.

Backfit Discussion

In issuing this generic letter supplement, the staff is relaxing the original positions taken in items 4.2.3 and 4.2.4 of GL 83-28, and hence this generic letter supplement is not considered a backfit. The staff prepared an evaluation of the positions in this generic letter supplement in accordance with the charter of the Committee to Review Generic Requirements (CRGR) and concluded that the public health and safety and common defense and security will be adequately protected, and the proposed changes will not affect the public health and safety. This evaluation will be made available in the public document room with the minutes of the 220th meeting of the CRGR.

This generic letter supplement does not seek to collect any information, and hence, the Paperwork Reduction Act does not apply.

Dated at Rockville, Maryland, this 22nd day of June 1992.

For the Nuclear Regulatory Commission,
Bruce A. Boger,
Director, Division of Reactor Projects—III/
IV/V, Office of Nuclear Reactor Regulation.
[FR Doc. 92-15595 Filed 7-1-92; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 40-3453]

Atlas Corp., Moab Mill

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of intent amend Source Material License SUA-917 for the Moab Mill to Incorporate Reclamation Schedules.

SUMMARY: The Nuclear Regulatory Commission is proposing to amend Source Material License SUA-917, Atlas Corporation, Moab Mill, to incorporate a revised reclamation schedule and to add a new license condition.

DATES: The comment period expires August 17, 1992.

ADDRESSES: Copies of the response from Atlas Corporation and the staff evaluation of the licensee's request are available for inspection at the Uranium Recovery Field Office, 730 Simms Street, suite 100, Golden, CO, and the NRC Public Document Room, 2120 L Street, NW. (lower level), Washington, DC.

Comments should be mailed to David L. Meyer, Chief, Rules and Directives Review Branch, Office of Administration, P-223, U.S. Nuclear Regulatory Commission, Washington, DC, 20555, with a copy to the Director, Uranium Recovery Field Office, P.O. Box 25325, Denver, CO 80225.

Comments may be hand-delivered to room P-223, 7920 Norfolk Avenue, Bethesda, MD, between 7:30 a.m. and 4:15 p.m., Federal workdays.

FOR FURTHER INFORMATION CONTACT: Ramon E. Hall, Director, Uranium Recovery Field Office, Region IV, U.S. Nuclear Regulatory Commission, Box 25325, Denver, CO. Telephone: 303-231-5800.

SUPPLEMENTARY INFORMATION: The U.S. Nuclear Regulatory Commission (NRC) and the Environmental Protection Agency (EPA) entered into a Memorandum of Understanding (MOU) which was published in the *Federal Register* on October 25, 1991 (FR 55434). The MOU requires that the NRC incorporate enforceable reclamation schedules for specific uranium mill sites into the corresponding licenses. The MOU also listed expected dates for completion of placement of a final earthen cover for each site.

The NRC requested by letter dated October 22, 1991, that the licensee submit a proposed schedule for reclamation milestones for NRC review and incorporation into the license. The licensee provided a response on November 21, 1991, with further clarification on completion of the ground-water corrective action program by personnel communication on February 7, 1992.

The proposed schedule calls for placement of the final cover by December 31, 1996, which is the same date as in the MOU for this mill. The NRC staff reviewed the reclamation milestone schedule and concluded that it is reasonable, and adherence to the schedule should assure satisfactory progress toward placement of the final cover by the specified date.

The NRC intends to amend Source Material License SUA-917 to incorporate the schedules proposed by the licensee by adding License Condition No. 55 as follows:

55. The licensee shall complete site reclamation in accordance with an

approved reclamation plan. The ground-water corrective action plan shall be conducted as authorized by License Condition No. 17 in accordance with the following schedules.

A. To ensure timely compliance with target completion dates established in the Memorandum of Understanding with the Environmental Protection Agency (56 FR 55432, October 25, 1991), the licensee shall complete reclamation to control radon emissions as expeditiously as practicable, considering technological feasibility, in accordance with the following schedule:

(1) Windblown tailings retrieval and placement on the pile—December 31, 1995.

(2) Placement of the interim cover—April 30, 1994.

(3) Placement of a final radon barrier designed and constructed to limit radon emissions to an average flux of no more than 20 pCi/m²/s above background—December 31, 1996.

B. Reclamation, to ensure required longevity of the covered tailings and ground-water protection, shall be completed as expeditiously as is reasonably achievable, in accordance with the following target dates for completion:

(1) Placement of erosion protection as part of reclamation to comply with Criterion 6 of appendix A of 10 CFR part 40—December 31, 1999.

(2) Projected completion of ground-water corrective actions to meet performance objectives specified in the ground-water corrective action plan—December 31, 1998.

C. Any license amendment request to revise the completion dates specified in section A must demonstrate that compliance was not technologically feasible (including inclement weather, litigation which compels delay to reclamation, or other factors beyond the control of the licensee).

D. Any license amendment request to change the target dates in section B above, must address added risk to the public health and safety and the environment, with due consideration to the economic costs involved and other factors justifying the request such as delays caused by inclement weather, regulatory delays, litigation, and other factors beyond the control of the licensee.

Dated at Denver, Colorado, this 23rd day of June 1992.

For the Nuclear Regulatory Commission,
Ramon E. Hall,

Director, Uranium Recovery Field Office.
[FR Doc. 92-15596 Filed 7-1-92; 8:45 am]

BILLING CODE 7590-01-M

Nuclear Regulatory Commission

[Docket Nos. 50-387 and 50-388]

Pennsylvania Power and Light Co. and Allegheny Electric Cooperative, Inc. (Susquehanna Steam Electric Station, Units 1 and 2); Partial Withdrawal of Application for Amendments to Facility Operating Licenses

The United States Nuclear Regulatory Commission (the Commission) has granted the request by Pennsylvania Power and Light Company (PP&L) and Allegheny Electric Cooperative, Inc., (the licensees), to withdraw a portion of their August 16, 1991 application, for proposed amendments to Facility Operating Licenses DPR-14 and DPR-22 for the Susquehanna Steam Electric Station, Units 1 and 2, located in Luzerne County, Pennsylvania.

The proposed amendments involved changes to the Technical Specification 4.6.1.2a and the associated bases to incorporate an exemption from appendix J of 10 CFR part 50 that removes the requirement that the third Type "A" Overall Integrated Containment Leakage Rate test required in each 10-year service period is to be conducted at the 10-year inservice inspection interval.

On May 29, 1992, the licensee submitted a letter to the NRC requesting withdrawal of a proposed change. PP&L requests that the Technical Specification 4.6.1.2a testing frequency remain 40 ± 10 months.

The Commission has previously issued a Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing which was published in the *Federal Register* on September 4, 1991 (56 FR 43812).

For further details with respect to this action, see the application for amendment dated August 16, 1991 and the licensee's letter dated May 29, 1992, which withdrew this portion of the application for license amendment. The above documents are available for public inspection at the Commission's Public Document Room, 2120 L Street, NW., Washington, DC, and the Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, Pennsylvania 18701.

Dated at Rockville, Maryland, this 24th day of June 1992.

For the Nuclear Regulatory Commission.
George F. Maxwell,
*Acting Project Manager, Project Directorate
 1-2, Division of Reactor Projects—1/II, Office
 of Nuclear Reactor Regulation.*
 [FR Doc. 92-15597 Filed 7-1-92; 8:45 am]
 BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-30857; File No. SR-CBOE-
 92-10]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Chicago Board Options Exchange, Inc. Relating to Reduced Transaction Charges for Certain Index Option Spread Transactions

June 24, 1992.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on May 20, 1992, the Chicago Board Options Exchange, Inc. ("CBOE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II and III below, which Items have been prepared by the CBOE. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The CBOE has proposed to extend through August 31, 1992, a pilot program¹ which provides a 50% rebate on transaction and trade match fees for "box"² trades by public customers in Standard & Poor's 500 Stock Index options ("SPX"), provided the "box" trade totals 500 or more contracts for the four sides of the trade.³ The text of the

¹ The pilot program was first approved by the Commission on a three-month pilot basis, effective from July 1, 1991, through September 30, 1991. See Securities Exchange Act Release No. 29482 (July 24, 1991), 56 FR 36180. Since then, the pilot has been extended twice, first through December 31, 1991, and most recently through March 31, 1992. See Securities Exchange Act Release Nos. 30025 (December 3, 1991), 56 FR 64537 and 30288 (January 27, 1992), 57 FR 4226.

² The CBOE defines a "box trade" as a four-sided SPX option spread composed of (i) a long call and short put at one strike price and (ii) a short call and long put at a different strike price, where all four positions expire in the same month.

³ Originally, the CBOE requested permanent approval of the pilot program in its filing. On June 1, 1992, however, the CBOE amended its filing to withdraw the request for permanent approval of the pilot and instead proposed an extension of the pilot until August 31, 1992. See File No. SR-CBOE-92-10, Amendment No. 1.

proposed rule change is available at the Office of the Secretary, CBOE and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the CBOE included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The CBOE has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(a) Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

(1) Purpose

The CBOE proposes to extend, through August 31, 1992, a pilot program which provides a 50% rebate on transaction and trade match fees for "box"⁴ trades by public customers in SPX options, provided the "box" trade totals 500 or more contracts for the four sides of the trade. The rebate is available to member firms that provide the Exchange with documents evidencing transactions that meet the standards of the pilot program. At the end of each month, member firms must submit their rebate requests to the Exchange's Accounting Department.

(2) Basis

The Exchange believes that the proposed rule change is consistent with section 6(b) of the Act, in general, and furthers the objectives of section 6(b)(4), in particular, in that it provides for the equitable allocation of reasonable dues, fees, and other charges among its members and those persons associated with its members.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The CBOE does not believe that the proposed rule change will impose any inappropriate burden on competition.

⁴ See *supra* note 2 for the CBOE's definition of "box" trade.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing rule change establishes or changes a due, fee or other charge imposed by the Exchange, it has become effective pursuant to section 19(b)(3)(A) of the Act and subparagraph (e) of Rule 19b-4 thereunder.⁵ At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the CBOE. All submissions should refer to the file number in the caption above and should be submitted by July 23, 1992.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,
Deputy Secretary.

[FR Doc. 92-15575 Filed 7-1-92; 8:45 am]

BILLING CODE 8010-01-M

⁵ Because the pilot program was last extended until March 31, 1992, and this filing was amended on June 1, 1992, the pilot program was not in effect between April 1, 1992, and May 31, 1992.

[Investment Company Act Rel. No. 18813; International Series Rel. No. 403; 812-9707]

Aetna Series Fund, Inc., et al.; Notice of Application

June 25, 1992.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of Application for Exemption under the Investment Company Act of 1940 ("Act").

APPLICANTS: Aetna Series Fund, Inc. and any existing or future series thereof; Aetna Life Insurance and Annuity Company ("ALIAC"); and any registered investment company or series thereof which in the future is advised by ALIAC or any of its affiliates.

RELEVANT 1940 ACT SECTIONS:

Exemption requested under section 6(c) from the provisions of section 12(d)(3) and rule 12d3-1.

SUMMARY OF APPLICATION: Applicants seek a conditional order permitting them to acquire equity and convertible debt securities of foreign issuers who derived more than 15% of their gross revenue from their activities as a broker, dealer, underwriter or investment adviser in their most recent fiscal year ("Foreign Securities Companies"), in accordance with the conditions of the proposed amendments to rule 12d3-1.

FILING DATE: The application was filed on April 20, 1992.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on July 20, 1992, and should be accompanied by proof of service on the applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request such notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, NW., Washington, DC 20549. Applicants, c/o Michael Berenson, Esq., Jorden Schulte & Burchette, suite 400 East, 1025 Thomas Jefferson Street, NW., Washington, DC 20007-0805

FOR FURTHER INFORMATION CONTACT: Diane L. Titus, Paralegal Specialist, at (202) 272-3023 or Barry D. Miller, Senior Special Counsel, at (202) 272-3018 (Division of Investment Management,

Office of Investment Company Regulations).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee from the SEC's Public Reference Branch.

Applicants' Representations

1. Aetna Series Fund, Inc. (the "Fund") is registered under the 1940 Act as an open-end management investment company. It is authorized to issue multiple series of shares, each representing a portfolio of investments with different investment objectives, policies and restrictions. ALIAC serves as investment adviser and administrator to each series.

2. Applicants wish to invest in the equity and convertible debt securities of foreign issuers that, in each of their most recent fiscal years, derived more than 15% of their gross revenues from their activities as a broker, dealer, underwriter, or investment adviser.

3. Applicants' proposed acquisition of securities issued by Foreign Securities Companies will satisfy each of the requirements of rule 12d3-1 under the 1940 Act except subparagraph (b)(4) thereof, which provides that "any equity securities of the issuer . . . [must be] a 'margin security' as defined in Regulation T promulgated by the Board of Governors of the Federal Reserve System." Since a "margin security" generally must be one which is traded in the United States markets, securities issued by many Foreign Securities Companies would not meet this test. Accordingly, applicants seek an exemption only from the "margin security" requirements of rule 12d3-1.

4. Applicants seek relief from section 12(d)(3) and rule 12d3-1 thereunder to invest in the equity securities of Foreign Securities Companies to the extent contained in proposed amendments to rule 12d3-1. See Investment Company Release No. 17096 (Aug. 3, 1989).

Applicants' Legal Conclusions

1. Section 12(d)(3) of the Act prohibits an investment company from acquiring any security issued by any person who is a broker, dealer, underwriter, or investment adviser. Rule 12d3-1 under the Act provides an exemption from section 12(d)(3) for investment companies acquiring securities of an issuer that derived more than 15% of its gross revenues in its most recent fiscal year from securities-related activities, provided the acquisitions satisfy certain conditions set forth in the rule.

2. Subparagraph (b)(4) of rule 12d3-1 provides that "any equity security of the issuer * * * [must be] a 'margin

security' as defined in Regulation T promulgated by the Board of Governors of the Federal Reserve System." While "margin security" status is generally available only to securities that are traded principally in United States markets, the Board of Governors of the Federal Reserve System amended Regulation T in 1990 to include "foreign margin stock[s]." However, because the requirements for inclusion on the Board's "List of Foreign Margin Stocks" are generally more restrictive than the requirements for a "margin security" traded in the United States markets, securities issued by many Foreign Securities Companies are not included in the definition of "foreign margin stocks" under Regulation T. See 12 CFR 220.2 (i) and (q)(6). Accordingly, applicants seek an exemption from the "margin security" requirements of rule 12d3-1.

3. Proposed amended rule 12d3-1 provides that the "margin security" requirement would be excused if the acquiring company purchases the equity securities of foreign securities companies that meet criteria comparable to those applicable to equity securities of United States securities-related businesses. The criteria, as set forth in the proposed amendments, "are based particularly on the policies that underlie the requirements for inclusion on the list of over-the-counter margin stocks." Investment Company Act Release No. 17096 (Aug. 3, 1989), 54 FR 33027 (Aug. 11, 1989).

Applicants' Condition

Applicants agree to the following condition in connection with the relief requested:

The applicants will comply with the provisions of the proposed amendments to rule 12d3-1 (Investment Company Act Release No. 17096 (Aug. 3, 1989); 54 FR 33027 (Aug. 11, 1989)), and as such amendments may be repropoed, adopted, or amended.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92-15576 Filed 7-1-92; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. IC-18810; 811-5892]

Palm Series Trust; Application for Deregistration

June 25, 1992.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of Application for Deregistration under the Investment Company Act of 1940 (the "Act").

APPLICANT: Palm Series Trust.

RELEVANT ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant seeks an order declaring that it has ceased to be an investment company.

FILING DATE: The application on Form N-8F was filed on January 30, 1992, and amended on May 26, 1992 and June 12, 1992.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on July 20, 1992 and should be accompanied by proof of service on applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, NW., Washington, DC 20549. Applicant, Federated Investors Tower, Pittsburgh, PA 15222-3779.

FOR FURTHER INFORMATION CONTACT: Nicholas D. Thomas, Staff Attorney, at (202) 504-2263, or Elizabeth G. Osterman, Branch Chief, at (202) 272-3016 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant was organized as a Massachusetts business trust and is registered as an open-end diversified management investment company under the Act. On August 24, 1989, applicant filed a notification of registration on Form N-8A. On August 25, 1992, applicant filed a registration statement pursuant to the Securities Act of 1933 and section 8(b) of the Act. Applicant's registration statement was declared effective on November 1, 1989. Applicant's initial public offering commenced on November 1, 1989.

2. Prior to September 19, 1991, First National in Palm Beach, a division of Southeast Bank, N.A. ("Southeast") was applicant's investment adviser. On September 19, 1991, the Federal Deposit

Insurance Corporation placed Southeast into receivership. On September 20, 1991, First Union National Bank of Florida, a subsidiary of First Union Corporation, acquired the assets of Southeast. On September 23, 1991, applicant's board of trustees, in compliance with rule 15a-4 under the Act, appointed First Union National Bank of Florida as applicant's investment adviser.

3. First Union National Bank of North Carolina, also a subsidiary of First Union Corporation, advises the Salem Funds, a series investment company. Two portfolios of the Salem Funds have investment objectives similar to the two portfolios of the Palm Series Trust. Decisions by First Union Corporation to streamline the investment management activities of its subsidiary banks led to the conclusion that advising and making available duplicative mutual funds would not be in the best interest of its customers. As a result, First Union National Bank of Florida exercised its discretion and authority to redeem all of its shares in applicant and moved its accounts to the correlative portfolios of the Salem Funds.¹ The redemptions took place between December 4, 1991 and December 20, 1991. On December 20, 1991, applicant's administrator, Federated Administrative Services ("FAS"), was applicant's sole remaining shareholder.

4. At a meeting held on December 20, 1991, applicant's board of trustees and FAS, in its capacity as applicant's sole shareholder, adopted a plan of liquidation and termination.

5. Unamortized organizational expenses in the amount of \$24,707 were absorbed by FAS in its capacity as applicant's administrator.

6. All legal, accounting, and other administrative activities generated by the liquidation were performed by FAS in its capacity as applicant's administrator pursuant to the administrative agreement between FAS and applicant. Accordingly, applicant incurred no liquidation expenses.

7. As of the date of the application, applicant had no shareholders, assets, or liabilities. Applicant is not a party to any litigation or administrative proceeding. Applicant has filed a

¹ In a letter to the Division of Investment Management dated June 24, 1992, Federated Administrative Services, applicant's administrator, represented that at the time of redemption, First Union National Bank of Florida "had informed the Fund that it either had pre-existing authority granted under certain account agreements between [the Bank] and its customers to move their accounts to a new fund, or would obtain specific authorization from such customers to move their accounts."

Certification and Resolution of Trustees with the Secretary of State of the Commonwealth of Massachusetts authorizing applicant's termination. Applicant is not presently engaged in, nor does it propose to engage in, any business activities other than those necessary for the winding up of its affairs.

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92-15577 Filed 7-1-92; 8:45 am]

BILLING CODE 8010-01-M

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

Meeting of the President's Council of Advisors on Science and Technology

ACTION: Amended notice of meeting.

CHANGES: The President's Council of Advisors on Science and Technology will meet on July 9-10, 1992, in the Conference Room, the Points of Light Foundation, 736 Jackson Place, NW., Washington, DC., rather than the Conference Room, Council on Environmental Quality, as announced in 57 FR 27812 (June 22, 1992). In addition to the change in meeting location, the Hon. William Reilly, Administrator, Environmental Protection Agency, will be unable to make his presentation on the United Nations Conference on Environment and Development during the Thursday morning session. Therefore, the Council discussion regarding the Research-Intensive U.S. Colleges and Universities Project will begin on Thursday morning with the discussion of the draft report on Mathematics and Science Education remaining on the agenda for Thursday afternoon. The Council will go into closed session on Friday, July 10, 1992. Persons wishing to attend the open portion of the meeting are requested to contact Ms. Ann Barnett, (202) 395-4692, prior to 3 p.m. on July 3, 1992.

All other information in this previous Federal Register Notice will remain the same. Parties requiring further information should contact Ms. Ann Barnett, (202) 395-4692.

Dated: June 26, 1992.

Dr. Vickie V. Sutton,

Assistant Director, Office of Science and Technology Policy.

[FR Doc. 92-15598 Filed 7-1-92; 8:45 am]

BILLING CODE 3170-01-M

DEPARTMENT OF TRANSPORTATION**Office of the Secretary****Reports, Forms, and Recordkeeping Requirements: Submittals to OMB on June 25, 1992**

AGENCY: Department of Transportation (DOT), Office of the Secretary.

ACTION: Notice.

SUMMARY: This notice lists those forms, reports, and recordkeeping requirements imposed upon the public which were transmitted by the Department of Transportation on June 25, 1992, to the Office of Management and Budget (OMB) for its approval in accordance with the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35).

FOR FURTHER INFORMATION CONTACT: John Chandler, Annette Wilson or Susan Pickrel, Information Requirements Division, M-34, Office of the Secretary of Transportation, 400 Seventh Street, SW., Washington, DC 20590, (202) 366-4735, or Edward Clarke, Office of Management and Budget, New Executive Office Building, room 3228, Washington, DC 20503, (202) 395-7340.

SUPPLEMENTARY INFORMATION:**Background**

Section 3507 of title 44 of the United States Code, as adopted by the Paperwork Reduction Act of 1980, requires that agencies prepare a notice for publication in the *Federal Register*, listing those information collection requests submitted to the Office of Management and Budget (OMB) for initial, approval, or for renewal under the Act. OMB reviews and approves agency submittals in accordance with criteria set forth in that Act. In carrying out its responsibilities, OMB also considers public comments on the proposed forms, reporting and recordkeeping requirements. OMB approval of an information collection requirement must be renewed at least once every three years.

Information Availability and Comments

Copies of the DOT information collection request submitted to OMB may be obtained from the DOT officials listed in the "For Further Information Contact" paragraph set forth above. Comments on the requests should be forwarded, as quickly as possible, directly to the OMB official listed in the "For Further Information Contact" paragraph set forth above. If you anticipate submitting substantive comments, but find that more than 10 days from the date of publication are

needed to prepare them, please notify the OMB official of your intent immediately.

Items Submitted for Review by OMB

The following information collection requests were submitted to OMB on June 25, 1992.

DOT No: 3626.

OMB No: 2127-0046.

Administration: National Highway Traffic Safety Administration.

Title: 49 CFR part 552, Petitions for Rulemaking, Defect, and Noncompliance Orders.

Need for Information: To identify and respond on a timely basis to petitions for rulemaking or defect or noncompliance determination and to inform the public of the procedures to follow in response to such petitions.

Proposed Use of Information: This regulation establishes procedures for filing petitions with the agency to commence rulemaking or to make a defect or noncompliance determination.

Frequency: On occasion.

Burden Estimate: 100 hours.

Respondents: Individuals, businesses or small businesses.

Form(s): None.

Average Burden Hours Per Response: 60 minutes.

DOT No: 3627.

OMB No: 2127-0025.

Administration: National Highway Traffic Safety Administration.

Title: 49 CFR part 512, Confidential Business Information.

Need for Information: To ensure confidential treatment to motor vehicle manufacturers.

Proposed Use of Information: This regulation sets forth the procedures to be followed by vehicle and equipment manufacturers, when they are requesting confidential treatment of information they have submitted to the agency.

Frequency: On occasion.

Burden Estimate: 600 hours.

Respondents: Motor vehicle manufacturers.

Form(s): None.

Average Burden Hours Per Response: 12 minutes.

DOT No: 3628.

OMB No: 2127-0052.

Administration: National Highway Traffic Safety Administration.

Title: Brake Hose Manufacturing Identification Standard 106.

Need for Information: To be able to trace the manufacturer in case a defect is found in the hose.

Proposed Use of Information: The purpose of this requirement is to

ensure traceability should a noncompliance or safety-related defect be discovered.

Frequency: On occasion.

Burden Estimate: 30 hours.

Respondents: Manufacturers.

Form(s): None.

Average Burden Hours per Response: 30 minutes.

DOT No: 3629.

OMB No: 2125-0508.

Administration: Federal Highway Administration.

Title: Hazardous Materials Instructions and Documents.

Need for Information: For FHWA to obtain evidence from motor carriers in complying with the requirements of the regulations for safe transportation of Class A and Class B explosives.

Proposed Use of Information: To ensure that drivers have been adequately informed by the motor carriers on the proper driver's conduct for the safe transportation of Class A or B explosives prior to the trip.

Frequency: Recordkeeping.

Burden Estimate: 3,645 hours.

Respondents: Motor carriers.

Form(s): None.

Average Burden Hours Per Response: 1½ minutes.

DOT No: 3630.

OMB No: 2120-0036.

Administration: Federal Aviation Administration.

Title: Notice of Landing Area Proposal.

Need for Information: FAR 157 requires that each person who intends to construct, activate, deactivate, or change the status of an airport, runway, or taxiway shall notify the FAA. This information is necessary to help ensure aviation safety.

Proposed Use of Information: The information collected is used to determine the effect of the proposal on existing airports and on the safe and efficient use of airspace by aircraft; to prescribe air traffic rules and regulations; to provide data for aeronautical charting; and to provide data for a national airport system plan.

Frequency: On occasion.

Burden Estimate: 2,506 hours.

Respondents: Anyone who intends to construct, activate, deactivate, or change the status of an airport, runway, or taxiway.

Form(s): FAA Form 7480-1.

Average Burden Hours Per Response: 45 minutes.

DOT No: 3631.

OMB No: 2130-0520.

Administration: Federal Railroad Administration.

Title: Stenciling Reporting Mark, Car Number, Etc., on Freight Cars.

Need for Information: Reporting marks and car numbers are required to be stenciled on freight cars for identification purposes.

Proposed Use of Information: The information is used solely to identify freight cars. Federal inspectors utilize the markings to monitor a railroad's compliance with safety regulations.

Frequency: Recordkeeping—when freight car is built or rebuilt.

Burden Estimate: 23,250 hours.

Respondents: Railroads.

Form(s): None.

Average Burden Hours Per Response: 39 hours.

DOT No: 3632.

OMB No: 2130-0527.

Administration: Federal Railroad Administration.

Title: New Locomotive Certification (Noise Compliance Regulations).

Need for Information: To obviate the need for additional noise testing by the railroads when purchasing new locomotives.

Proposed Use of Information: To ensure compliance with the Environmental Protection Agency noise standards for new locomotives and cars.

Frequency: Recordkeeping.

Burden Estimate: 160 hours.

Respondents: 2 Manufacturers.

Form(s): None.

Average Burden Hours Per Response: 30 minutes.

DOT No: 3633.

OMB No: 2127-0047.

Administration: National Highway Traffic Safety Administration.

Title: 49 CFR Part 580, Odometer Disclosure Statement.

Need for Information: To deter odometer roll backs and to accomplish successful litigation.

Proposed Use of Information: The Odometer Disclosure Statement which is required by 15 USC 1988 is used by motor vehicle transferors and lessors to determine the mileage and value of the vehicles. The disclosure is made on the title and in certain instances on a secure power of attorney form.

Frequency: On occasion.

Burden Estimate: 2,586,160 hours.

Respondents: Individuals, states, businesses, Federal agencies, non-profit institutions, small businesses.

Form(s): None.

Average Burden Hours Per Response: 16 seconds.

DOT No: 3634.

OMB No: 2132-0543.

Administration: Federal Transit Administration.

Title: Charter Service Operations.

Need for Information: FTA needs to require applicants to submit an agreement that the applicant and its recipients will provide charter service only if there is no willing and able private operator or if one of the exceptions to 49 CFR 604.9 is applicable.

Proposed Use of Information: The information will be used to determine compliance with regulation.

Frequency: Annually, with each application.

Burden Estimate: 1,984 hours.

Respondents: State or local governments, business or other for-profit, small businesses or organizations.

Form(s): None.

Average Burden Hours Per Response: 1 hour and 12 minutes.

DOT No: 3635.

OMB No: 2132-0502.

Administration: Federal Transit Administration.

Title: Sections 3 and 9 Urbanized Area Capital Assistance Program.

Need for Information: The information is needed to determine an applicant's eligibility for funding and to monitor their subsequent programs in implementing projects.

Proposed Use of Information: The data is used by FTA to ensure compliance with provisions of the Federal Transit Act, as amended and OMB Circular A-102.

Frequency: (varied) annually, on occasion, quarterly, biennially.

Burden Estimate: 363,860 hours.

Respondents: State and local governments.

Form(s): SF-424.

Average Burden Hours Per Response: 15 hours.

DOT No: 3636.

OMB No: 2133-0025.

Administration: Maritime Administration.

Title: Position Reporting System for Vessels.

Need for Information: To maintain a current plot of certain ships.

Proposed Use of Information: To facilitate immediate marshalling of ships for national defense purposes.

Frequency: Every 48 hours at-sea, arrival and departure, and changes to previous information.

Burden Estimate: 127,239 hours.

Respondents: 13,400.

Form(s): CG-4796-A, CG-4796-A(MA).

Average Burden Hours Per Response: 10 minutes.

DOT No: 3637.

OMB No: 2115-0506.

Administration: U.S. Coast Guard.

Title: Declaration of Inspection.

Need for Information: This information collection requirement is needed to ensure compliance with 33 U.S.C. 1221, 1225 and 46 U.S.C. 3703. It provides a method for ensuring that specified procedures are followed and certain conditions are maintained which prevent pollution of U.S. waters or damage to vessels and facilities.

Proposed Use of Information: This information will be used to identify potential or actual violations of the regulations. The Declaration of Inspection is used to ensure that procedures have been followed and to determine culpability in spills and accident investigations.

Frequency: Weekly.

Respondents: Owners and operators of vessels.

Burden Estimate: 78,000 hours.

Form(s): None.

Average Burden Hours Per Response: 9 hours and 51 minutes.

DOT No: 3638.

OMB No: 2115-0120.

Administration: U.S. Coast Guard.

Title: Transfer Procedures Waste Management Plans.

Need for Information: This information is needed to ensure that the provisions of the Port and Tanker Safety Act are complied with concerning oil, hazardous materials and waste transfer procedures from vessels, onshore and offshore facilities.

Proposed Use of Information: This information will be used to ensure that equipment, methods and procedures to prevent discharges of oil and hazardous materials from vessels, onshore and offshore facilities are in place.

Frequency: On occasion.

Burden Estimate: 453,138 hours.

Respondents: Vessels and facilities owners/operators.

Form(s): None.

Average Burden Hours Per Response: 9 hours and 11 minutes.

DOT No: 3639.

OMB No: 2115-0552.

Administration: U.S. Coast Guard.

Title: Liquefied Natural Gas Waterfront Facilities.

Need for Information: This information is needed to ensure that liquefied natural gas (LNG) waterfront facilities comply with the safety standards published by the Coast Guard. This requirement is necessary to prevent or mitigate the results of an accidental release of liquefied natural gas at waterfront facilities.

Proposed Use of Information: This information will be used to determine

that other requirements in 33 CFR Part 127 are also being complied with and to determine the suitability of the waterway on which the LNG waterfront facility is located, for LNG marine traffic.

Frequency: On occasion.

Burden Estimate: 255 hours.

Respondents: Owners/Operators of Liquefied Natural Gas Facilities.

Form(s): None.

Average Burden Hours Per Response: 12 hours and 5 minutes for reporting; and 48 hours and 4 minutes per recordkeeper.

DOT No.: 3640.

OMB No.: New.

Administration: U.S. Coast Guard.

Title: Additional Requirements for Prince William Sound, Alaska.

Need for Information: This information is needed to ensure that spill response organizations and vessels carrying oil in bulk have oil spill response plans available while operating in Prince William Sound, Alaska.

Proposed Use of Information: This information will be used to determine if the response plans provide for propositioned oil spill containment, removal equipment, an oil spill removal organization, training of local residents in oil spill removal, containment techniques, practice exercises, periodic testing and certification of equipment to protect this environmentally sensitive area.

Frequency: On occasion.

Burden Estimate: 1,880 hours.

Respondents: Spill response facilities and tank vessel owners.

Form(s): None.

Average Burden Hours Per Respondent: 248 hours and 40 minutes for reporting; and 200 hours per recordkeeper.

DOT No.: 3641.

OMB No.: New.

Administration: U.S. Coast Guard.

Title: Vessel Response Plan.

Needs for Information: This information is needed by the Coast Guard to ensure that vessels carrying oil in bulk as cargo and operating in waters subject to U.S. jurisdiction, submit written response plans for a worst case discharge oil or hazardous substances.

Proposed Use of Information: This information will be used by the Coast Guard to ensure that certain vessels entering U.S. waters are adequately prepared to respond to incidents involving the spill of oil or hazardous substances.

Frequency: On occasion.

Burden Estimate: 371,050 hours.

Respondents: Owners or Operators of vessels carrying oil.

Form(s): None.

Average Burden Hours Per Respondent: 319 hours and 54 minutes for reporting; and 91 hours and 31 minutes for recordkeeper.

DOT No.: 3642.

OMB No.: New.

Administration: U.S. Coast Guard.

Title: Claims Under the Oil Pollution Act of 1990.

Needs for Information: This information is needed by the Coast Guard to implement the claims provision of the Oil Pollution Act of 1990 (OPA 90). Coast Guard will ensure that claims submitted to the Oil Spill Liability Trust Fund (Fund) are fully substantiated and that the procedures for advertising and presentation of claims are followed.

Proposed Use of Information: Coast Guard will use this information to determine whether claims submitted to the Fund are compensable. This information will also ensure that the correct amount of reimbursement of costs or compensation for damages are made from the Fund.

Frequency: Once.

Burden Estimate: 94,803 hours.

Respondents: Claimants of oil spills and responsible parties of oil spills.

Form(s): None.

Average Burden Hours Per Respondent: 4 hours for claimants; 1 hour and 3 minutes for responsible parties.

DOT No.: 3642.

OMB No.: New.

Administration: U.S. Coast Guard.

Title: State Access to the Oil Spill Liability Trust Fund for Removal Costs Under the Oil Pollution Act of 1990.

Needs for Information: This information collection requirement if needed to implement the requirements of section 1012 of the Oil Pollution Act (OPA 90) and to establish the Oil Spill Liability Trust Fund (the Fund). The Coast Guard shall enter into an agreement with the Governor of any interested State to establish procedures under which the Governor may receive payments from the Fund for oil spill removal costs. Coast Guard will ensure that all expenditures by a State be fully substantiated and that procedures for presentation of those expenditures to the Fund be followed.

Proposed Use of Information: This information will be used by the Coast Guard to determine whether expenditures submitted by a State to the Fund are compensable and where compensable ensure that the correct amount is made.

Frequency: On occasion.

Burden Estimate: 7,650 hours.

Respondents: State Governments.

Form(s): None.

Average Burden Hours Per Respondent: 1 hour and 30 minutes for reporting; and 15 minutes for recordkeeper.

DOT No.: 3644.

OMB No.: New.

Administration: U.S. Coast Guard.

Title: Escorts for Certain Tankers.

Need for Information: This information collection is needed by the U.S. Coast Guard to ensure that escort vessels assisting oil tankers in the Prince William Sound, Alaska, or Rosario Strait and Puget Sound areas meet the necessary requirements of 46 U.S.C. 3606(a)(3).

Proposed Use of Information: The Coast Guard will use this information to ensure that these escort vessels have measurements and performance characteristics to show their capabilities of assisting single hull tankships over 5,000 gross tons. This requirement will provide local Coast Guard authorities the information to judge the suitability of towing vessels for escort services.

Frequency: Once.

Burden Estimate: 100 hours.

Respondents: Escort Vessel Companies.

Form(s): None.

Average Burden Hours Per Respondent: 20 hours.

DOT No.: 3645.

OMB No.: 2120-0056.

Administration: Federal Aviation Administration.

Title: Report of Inspection Required by Airworthiness Directives, FAR Part 39.

Need for Information: An airworthiness directive (AD) is issued when an unsafe condition is detected on a specific aircraft, engine, propeller, or appliance. If the condition is serious enough and more information is needed to determine if the corrective action was adequate to correct the problem, those aircraft owners/operators are required to report the results of the inspection or modifications required by the AD to provide the FAA with information concerning inspection results and corrective action.

Proposed Use of Information: The airworthiness directive (AD) is the medium used by the Administrator to provide notice to aircraft owners and operators that an unsafe condition exists and prescribes the conditions and/or limitations, including inspections, under which the product may continue to be operated.

The aircraft certification office in the FAA directorate initiating the AD will

analyze the results of findings reported and determine if the corrective action called for in the AD has been sufficient to eliminate the unsafe condition, and if not, a new AD to correct the unsafe condition will be issued.

Frequency: On occasion.

Burden Estimate: 21,250 hours.

Respondents: All.

Form(s): None.

Average Burden Hours Per Respondent: 5 minutes.

DOT No: 3646.

OMB No: 2127-0542.

Administration: National Highway Traffic Safety Administration.

Title: 49 CFR Part 543, Petition for Exemption from the Vehicle Theft Prevention Standard.

Need for Information: To set procedures to be followed by manufacturers in preparing and submitting and processing petitions for exemption.

Proposed Use of Information:

Manufacturers of passenger automobiles may petition the Secretary for an exemption from the theft prevention standard if a line/lines of vehicles are equipped with an antitheft device, which is standard equipment and is determined by the Secretary to be as effective as the theft prevention standard.

Frequency: One-time only.

Burden Estimate: 96 hours.

Respondents: Vehicle manufacturers.

Form(s): None.

Average Burden Hours Per Respondent: 24 minutes.

DOT No: 3647.

OMB No: 2115-0553.

Administration: U.S. Coast Guard.
Title: 33 CFR 140.15 Equivalent and Approved Equipment.

Need for Information: This information collection is needed by the U.S. Coast Guard to implement the best available and safest technologies concept to comply with the Outer Continental Shelf Lands Act.

Proposed Use of Information: This information will be used by the Coast Guard for comparison with existing standards or procedures to ensure that an equivalent level of safety is maintained as provided for in the regulations. Coast Guard will review this information to determine whether certain unspecified equipment or procedures are safe.

Frequency: On occasion.

Burden Estimate: 100 hours.

Respondents: Owners, operators, equipment manufacturers and subcontractors.

Form(s): None.

Average Burden Hours Per Respondent: 10 hours.

DOT No: 3648.

OMB No: 2115-0071.

Administration: U.S. Coast Guard.

Title: Official Logbook.

Need for Information: This information collection requirement is needed by the Coast Guard to ensure that commercial shipping companies comply with the commercial vessel safety statutes. Logbooks are needed to keep official records of all foreign and intercoastal voyages as well as load line and testing records.

Proposed Use of Information: This information collection will be used by the Coast Guard and various federal maritime casualty investigators of Federal/Civil courts in instances of injury or litigation between a seaman and his shipping company. Coast Guard inspectors will use the information to determine compliance with various laws and to examine incidence of shipboard misconduct.

Frequency: On occasion.

Burden Estimate: 1,750 hours.

Respondents: Shipping Companies and U.S. Merchant Mariners.

Form(s): CG 706B.

Average Burden Hours Per Respondent: 1 hour.

DOT No: 3649.

OMB No: 2115-0578.

Administration: U.S. Coast Guard.

Title: Various Forms and Posting

Requirements Under 46 CFR

Subchapter T, "Small Passenger

Vessels (Under 100 Gross Tons)".

Need for Information: This information collection is needed to ensure that inspections of small passenger vessels are conducted for the safety of individuals and property on board. Reporting and posting requirements will be used to ensure the safe operation of these vessels; and in case of an emergency, that proper procedures are followed.

Proposed Use of Information: This information will be used to ensure that the Coast Guard is made aware of significant maintenance or repair work done on small passenger vessels. Plan submittals are required for new existing vessels that require significant modifications. Submittal of these plans will ensure that structure, arrangement, stability and outfitting are satisfactory for the intended service.

Frequency: On occasion.

Burden Estimate: 278,704 hours.

Respondents: Small Passenger Vessel Owners.

Form(s): CG-841, CG-854, CG-948, CG-949, CG-3752, and CG-5256.

Average Burden Hours Per Respondent: 8 hours and 4 minutes for reporting;

and 3 hours and 54 minutes per recordkeeper.

DOT No: 3650.

OMB No: 2130-0534.

Administration: Federal Railroad Administration.

Title: Grade Crossing Signal System Safety Regulations.

Need for Information: To provide accurate data regarding instances of grade crossing activation failure.

Proposed Use of Information: This information will be used to craft better solutions to the problems of grade crossing device malfunctions.

Frequency: On Occasion, One-Time, Recordkeeping.

Burden Estimate: 54,906 hours.

Respondents: 605 Railroads.

Form(s): FRA-F-6180.83 and FRA-F-6180.87.

Average Burden Hours Per Respondent: 90 hours and 45 minutes.

DOT No: 3651.

OMB No: New.

Administration: Federal Railroad Administration.

Title: Bridge Worker Safety Rules.

Need for Information: To assure protection for those who work on railroad bridges.

Proposed Use of Information: To assure that fall protection and personal protective equipment is provided for railroad bridge maintenance workers.

Frequency: Recordkeeping.

Burden Estimate: 1 hour.

Respondents: 575 Railroads.

Form(s): None.

Average Burden Hours Per Respondent: 28 seconds.

Issued in Washington, DC on June 25, 1992.

Cynthia C. Rand,

Director of Information Resource Management.

[FR Doc. 92-15572 Filed 7-1-92; 8:45 am]

BILLING CODE 4910-62-M

Order to Show Cause Establishing Brazil All-Cargo Charter Authorization Procedures

ACTION: Issuance of a show-cause order tentatively establishing new procedures for distribution of charter authorizations for U.S.-Brazil all-cargo charter flights: Order 92-6-46, Docket 48219.

SUMMARY: U.S. air carriers may operate 350 all-cargo charter flights per year between the United States and Brazil under the existing charter regime. For the recent charter years, the Department has conducted annual show-cause allocation proceedings to award these flights. Based upon its experience allocating flights and various changes in

Brazil all-cargo market and use of the charters, the Department has tentatively decided that more simplified procedures are warranted and will relieve carriers of an unnecessary regulatory burden.

Specifically, the Department has tentatively decided to allot in advance a portion of the charters available for the 1992/93 charter year to incumbents that have operated an average of 20 flights per year over the past two years in the U.S.-Brazil all-cargo charter market. Allotments would be based on the average of each carrier's operations over the past two calendar years. This would result in advance allotments to Arrow Air of 62 flights and Millon Air of 34 flights. Irrespective of operations, the total advance allotments would not exceed 325 flights. The advance allotments would be subject to forfeiture if 40 percent are not used or committed for use by contract after six months.

The flights not subject to advance allotment (254 for the 1992/93 charter year) would be placed in a charter pool for distribution on a first-come, first-served basis. New entrants and *ad hoc* carriers could apply for up to ten flights from the pool each month. After three months, the incumbents could also apply for a similar number of flights. During the last two months of the charter year, there would be no limit as to the number of flights requested. Monthly reports on all charter operations would be required so that the Department can monitor use of the charters.

Because the Department cannot complete this proceeding before the beginning of the charter year on July 1, it decided to permit Arrow and Millon to use a *pro rata* share of the proposed allotments (six flights for Arrow and three for Millon) for operations in the month of July, pending completion of the proceeding instituted in this order. The Department also reserved a *pro rata* share of proposed charter pool flights for operation of charters by other carriers during July.

DATES: Objections and comments are due not later than July 10, 1992. Answers are due not later than July 15, 1992.

ADDRESSES: Objections and comments should be filed in Docket 48219 addressed to the Documentary Services Division, U.S. Department of Transportation, 400 Seventh Street SW., room 4107, Washington, DC 20590 and served on all parties on the service list to the order and on Robert Goldner, room 9216.

Dated: June 26, 1992.

Patrick V. Murphy, Jr.,

Deputy Assistant Secretary for Policy and International Affairs.

[FR Doc. 92-15497 Filed 7-1-92; 8:45 am]

BILLING CODE 4910-62-M

Federal Highway Administration

Intelligent Vehicle Highway Systems; Program Briefing

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of public meeting.

SUMMARY: The Federal Highway Administration (FHWA) is sponsoring an informational briefing on the Intelligent Vehicle Highway Systems (IVHS) Program on July 16, 1992, in Washington, DC. The briefing is open to the public and is designed for industrial firms, engineering services firms, professional organizations, academia, and local, State, and Federal government agencies.

DATES: July 16, 1992, from 8:30 a.m. to 3 p.m.

ADDRESSES: Federal Aviation Administration, Third Floor Auditorium, 800 Independence Avenue, SW., Washington, DC. Attendance will be limited to the 200 person capacity of the auditorium.

FOR FURTHER INFORMATION CONTACT: H. Milton Heywood, HTV-11, FHWA, room 3123, 400 Seventh Street SW., Washington, DC 20590, (202) 366-2182. Office hours are from 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except for legal holidays.

SUPPLEMENTARY INFORMATION: The aim of the Intelligent Vehicle Highway Systems (IVHS) program is to apply advanced concepts and technology from the areas of communications, navigation, and information systems to provide solutions to traffic congestion problems and, at the same time, to improve highway safety and reduce the harm that automobile traffic does to the environment.

The briefing will address the following topics: IVHS AMERICA and IVHS AMERICA's Strategic Plan; the IVHS program, its vision, its functional areas, and their integration; the IVHS programs of FHWA, the National Highway Traffic Safety Administration, and the Federal Transit Administration; FHWA's deployment activities; and the automated highway system.

(23 U.S.C. 315; 49 CFR 1.48)

Issued on: June 25, 1992.

T.D. Larson,

Administrator.

[FR Doc. 92-15630 Filed 7-1-92; 8:45 am]

BILLING CODE 4910-22-M

Federal Railroad Administration

[Docket No. RSAD-91-3]

Test Program To Evaluate Random Drug Testing Rate

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of extension of test program and request for comments.

SUMMARY: FRA is extending an experimental program designed to evaluate the extent to which the rate of random drug testing affects general deterrence. FRA will extend the current conditional waivers an additional 12 months. Conditional waivers were initially granted to three Class I freight railroads and one commuter railroad commencing July 1, 1991. The four railroads will be allowed to continue testing at a 25 percent rate for an additional year, rather than 50 percent. The previously selected control group railroads have agreed to serve for an additional year. These control railroads have similar characteristics to the test railroads and would continue their testing rates at 50 percent as required by FRA's alcohol and drug regulation. Extension of this test program will provide time to compile and analyze the first year's test results and provide additional data to help determine whether the drug testing rate significantly influences the percentages of employees testing positive for prohibited use of one or more controlled substances. This information may support future rulemaking activity.

DATES: (1) FRA intends to extend the current conditional waivers for one year effective July 1, 1992.

(2) Written comments should be received by August 1, 1992. Comments filed after this date will be considered to the extent practicable.

ADDRESSES: Comments shall be sent to Docket Clerk, Docket No. RSAD-91-3, Office of the Chief Counsel, Federal Railroad Administration, 400 7th Street, SW., room 8201, Washington, DC 20590. Persons wishing the FRA to acknowledge receipt of their comments should submit with those comments a pre-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. RSAD-91-3."

The postcard will be dated and time stamped and returned to the commenter. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons, between 8:30 a.m. and 6 p.m. Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Walter C. Rockey, Executive Assistant (RRS-3), Office of Safety, FRA, Washington, DC 20590, (Telephone: (202) 366-0897) or Patricia V. Sun, Trial Attorney (RCC-30), Office of Chief Counsel, FRA, Washington, DC 20590, (Telephone: (202) 366-4002).

SUPPLEMENTARY INFORMATION:

Background

In February of 1991, the Association of American Railroads (AAR) filed a petition in accordance with 49 CFR 211.51, requesting that FRA implement a test program that would temporarily suspend compliance with 49 CFR 219.601(b)(2)(ii). This section, first published on November 21, 1988 (53 FR 47103), requires each railroad, in the second year of that railroad's random testing program, to conduct a sufficient number of random tests during the year to equal at least 50 percent of the number of its covered service employees. (Subsequent amendments to the alcohol and drug regulations, which did not affect Section 219.601(b)(2)(ii), were published on December 27, 1989 (54 FR 53238) and June 4, 1990 (55 FR 22791)). The AAR proposal was to permit an experimental group of railroads to test at a 25 percent rate for one year, for comparison against a group of control railroads that would continue to test at a 50 percent rate. Data from the two groups of railroads would then be analyzed to determine the effect of different testing rates on deterrence.

No one requested an opportunity for oral presentation. Written comments were received from four sources concerning the initial year of the proposed test program. All four supported the effort. One suggested including a 10 percent testing rate (a proposal FRA was not able to adopt because of the lack of an adequate population base to support valid findings for a three-tier design), while another suggested a longer test period.

FRA agreed with the AAR that an experimental program would be useful in evaluating the testing rate. FRA granted the four test railroads a waiver from the 50 percent testing requirement effective July 1, 1991. The four test railroads and the four control railroads were required to submit quarterly test data throughout the test year for

monitoring by the FRA. For the first three quarters of this period, the test railroads conducted 7579 tests, with 64 positive for a rate of .008. The control railroads performed 12738 tests and had 120 positive for a positive rate of .009. The railroad industry test results for calendar 1991 consisted of 50,436 tests, 447 positive and a rate of .009. Railroad industry post-accident and reasonable cause test results moved to new lows in 1991, 1.5 percent and 2.1 percent, respectively.

On June 15, 1992, the AAR submitted a request that the experimental period be extended for one year. The test and control railroads would continue to test at the previously established rates. The AAR recognized the similar test results for the test and control railroads during the first three quarters of the initial test year. It was suggested that a second test year would permit the FRA/DOT to accumulate further comparative data while considering the cumulative data.

The FRA agrees with the AAR that the test results, thus far, have not demonstrated a marked difference in the deterrent effect of the random testing programs when conducted at the 25 and 50 percent levels and that the accumulation of data over a longer period is desirable. Initial analysis of the data for the first three quarters indicates the deterrent effect of the FRA regulation is being maintained at the 25 percent testing rate on the test railroads.

Implementation

In the initial notice on this project, FRA recognized that it may be desirable to extend the test period. Prior to commencing the initial test period, the FRA conducted compliance reviews on the four test railroads and the four control railroads to make certain the railroads were in compliance with regulatory provisions and their testing systems would convey reliable test results. All railroads were found to have acceptable programs. FRA established a protocol covering test conditions and reporting requirements prior to starting the initial test period. All railroads signed the protocols and the quarterly test results have been reported as required. FRA intends to conduct follow-up compliance reviews on all eight railroads in the early months of the second year to be certain all safeguards remain in place. The current quarterly reporting of test results will remain to permit FRA to respond quickly if any significant findings develop.

Because FRA is merely extending a test program that, in its initial notice, it estimated would continue for "at least" four calendar quarters, it does not believe that further opportunity for oral

presentation is necessary. However, we are providing a further opportunity for written comment and request that anyone with views on prospects for success or failure of the effort submit information to the docket at the address set forth above.

By letter granting an extension of the test program, the FRA will extend the current conditional waiver for one year. FRA intends for the second year of this experiment to commence on July 1, 1992, and continue for at least four calendar quarters. FRA will actively monitor the quarterly test results and review the cumulative data at the end of the test year.

Authority: 45 U.S.C. 431(c), 437; 49 CFR 149(m), 211.43, 211.51

Grady C. Cothen, Jr.,

Associated Administrator for Safety,

[FR Doc. 92-15582 Filed 7-1-92; 8:45 am]

BILLING CODE 4910-06-M

National Highway Traffic Safety Administration

Discretionary Cooperative Agreements to Support Biomechanics Research

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Announcement of Discretionary Cooperative Agreement to Support Biomechanical Research.

SUMMARY: The National Highway Traffic Administration (NHTSA) announces a discretionary cooperative agreement program to support research studies to evaluate the biomechanical response of human surrogates to impact and solicits applications for projects under this program.

DATES: Applications must be received on or before August 5, 1992.

ADDRESSES: Applicants must be submitted to the National Highway Traffic Safety Administration, Office of Contracts and Procurement (NAD-30), ATTN: Alberta Jones, 400 Seventh Street, SW., room 5301, Washington, DC 20590. All applications submitted must include a reference to NHTSA Cooperative Agreement Program No. DTNH22-92-Y-07339. Interested applicants are advised that no separate application package exists beyond the contents of this announcement.

FOR FURTHER INFORMATION CONTACT: General administrative questions may be directed to Alberta Jones, Office of Contracts and Procurement, at (202) 366-9566. Programmatic questions relating to this cooperative agreement program

should be directed to Richard M. Morgan, Biomechanics Division (NRD-12), 400 Seventh Street, SW., room 6221B, Washington, DC 20590, at (202) 366-4717.

SUPPLEMENTARY INFORMATION:

Background and Objectives

The National Highway Traffic Safety Administration is mandated with the responsibility for devising strategies to save lives and reduce injuries from motor vehicle crashes. The purpose of this cooperative agreement program is to promote the improvement of traffic safety for the public through the support of research studies designed to evaluate the biomechanical response of human surrogates to impact as a means of expanding the base of scientific knowledge in this field and to provide for the coordinated exchange of scientific information collected as a result of the studies conducted.

Impact trauma research employs the principles of mechanics to discover the physical response and physiological results of impacts to the human body. Generally, the teams doing the research are comprised of individuals from different disciplines: engineering, physiology, medicine, biology, and anatomy. The team studies the physical response of the body to impact by measuring and recording engineering parameters defining the event, such as force, accelerations, displacements, surface contours, strains, pressure, etc., and observing the physiological consequences in terms of physical or functional alterations to the body.

One of the major research materials used to simulate injury to the living human is the human cadaver (hereinafter referred to as a human surrogate) exposed to impact and detailed response measurement.

The focus of this cooperative research effort is the study of human surrogate response and injury to physical impacts simulating some significant aspect of automotive impact injury, i.e., head, neck, torso, or lower extremity injury produced in drivers and passengers, restrained by various safety devices and exposed to either a frontal, lateral, or rear impact; pedestrian trauma; etc. The specific objectives of this cooperative research effort are to: (1) Delineate the mechanism of injury, (2) develop functional relationships between the measurable engineering parameters and the extent and severity of injury, and (3) quantify the impact response of the body in such a way as to allow the development of mechanical analogs of the human body.

NHTSA Involvement

The NHTSA, Biomechanics Division, will be involved in all activities undertaken as part of the cooperative agreement program and will:

1. Provide, on an as-needed basis, one professional staff person, to be designated as the Contracting Officer's Technical Representative (COTR), to participate in the planning and management of the cooperative agreement and coordinate activities between the organization and the NHTSA.
2. Make available information and technical assistance from government sources, within available resources and as determined appropriate by the COTR.
3. Provide liaison with other government agencies and organizations as appropriate; and
4. Stimulate the exchange of ideas and problems among cooperative agreement recipients, and, if appropriate NHTSA contracts and other interested parties.

Period of Support

The research effort described in this notice will be supported through the award of at least one cooperative agreement. The NHTSA reserves the right to make multiple awards depending upon the merit of the applications received.

Contingent upon the availability of funds and satisfactory performance, a cooperative agreement(s) will be awarded to an eligible organization(s) for project periods of up to five years. No cooperative agreement awarded as a result of this notice shall exceed \$550,000 per year or \$2,750,000 for five years.

Eligibility Requirements

In order to be eligible to participate in this cooperative agreement program, an applicant must be an educational institution or other nonprofit research organization. For profit research organizations may apply; however, no fee or profit will be allowed.

Application Procedure

Each applicant must submit one original and two copies of their application package to: Office of Contracts and Procurement (NAD-30), NHTSA, 400 Seventh Street, SW., room 5301, Washington, DC 20590. Only complete application packages received on or before August 5, 1992 shall be considered. Submission of three additional copies will expedite processing but is not required.

Application Contents

1. The application package must be submitted with OMB Standard Form 424

(Rev. 4-88, including 424A and 424B), Application for Federal Assistance, with the required information filled in and the certified assurances included. While the Form 424-A deals with budget information, and section B identifies Budget Categories, the available space does not permit a level of detail which is sufficient to provide for a meaningful evaluation of the proposed costs. A supplemental sheet should be provided which represents a detailed breakdown of the proposed costs, as well as any costs which the applicant proposes to contribute in support of this effort.

2. Applications shall include a program narrative statement which addresses the following:

- a. The objectives, goals, and anticipated outcomes of the proposed research effort;
- b. The method or methods that will be used;
- c. The source of the human surrogates to be used;
- d. The number and quality of human surrogates (viz human cadavers) the applicant expects to use for this research effort along with documentation (retrospective or prospective) that provides evidence that the applicant has access to the proposed quantity of experimental material;
- e. The proposed program director and other key personnel identified for participation in the proposed research effort, including a description of their qualifications and their respective organizational responsibilities;
- f. A description of the general, as well as specialized impact simulation, test facilities and equipment currently available or to be obtained for use in the conduct of the proposed research effort; and
- g. A description of the applicant's previous experience or on-going research program that is related to this proposed research effort.

Review Process and Criteria

Initially, all applications will be reviewed to confirm that the applicant is an eligible recipient and to assure that the application contains all of the information required by the Application Contents section of this notice.

Each complete application from an eligible recipient will then be evaluated by a Technical Evaluation Committee. The applications will be evaluated using the following criteria:

1. The applicant's understanding of the purpose and unique problems represented by the research objectives of this cooperative agreement program as evidenced in the description of their proposed research effort. Specific

attention shall be placed upon the applicant's stated means for obtaining the quantity of experimental material necessary to conduct the proposed research effort.

2. The potential of the proposed research effort accomplishments to make an innovative and/or significant contribution to the base of biomechanical knowledge as it may be applied to saving lives and reducing injuries resulting from motor vehicle crashes.

3. The technical merit of the proposed research effort, including the feasibility of the approach, planned methodology, and anticipated results.

4. The adequacy of test facilities and equipment identified to accomplish the proposed research effort, including impact simulation.

5. The adequacy of the organizational plan for accomplishing the proposed research effort, including the qualifications and experience of the research team, the various disciplines represented, and the relative level of effort proposed for professional, technical, and support staff.

Terms and Conditions of the Award

1. The protection of the rights and welfare of human subjects in NHTSA-sponsored experiments is established in Department of Transportation 49 CFR part 11 and in NHTSA Orders 700-1, 700-3, and 700-4. Any recipient must satisfy the requirements and guidelines of 49 CFR 11 and the NHTSA Orders 700 series prior to award of the cooperative agreement. A copy of 49 CFR 11 and the NHTSA 700 series may be obtained from the programmatic information contact designated in this notice.

2. Prior to award, each recipient must comply with the certification requirements of 49 CFR Part 29—Department of Transportation Government-wide Department and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants), as well as 49 CFR Part 20—Department of Transportation New Restrictions on Lobbying.

3. Reporting Requirements: a. *Data Reports:* The dynamic and other data measured in each human surrogate impact test will be provided by the recipient(s) within four (4) weeks after the test is run. For each and every test performed with a human surrogate, a data package shall be submitted to the COTR. For example, were a human cadaver to be impacted by pendulum to the right femur and later to be impacted by pendulum to the thorax, the two (2) impacts are separate tests even though there was only one (1) human surrogate.

A data package consists of high speed film, paper test report, and magnetic tape complying with the NHTSA Data Tape Reference Guide. The NHTSA, Biomechanics Division, maintains a Biomechanics Data Base which provides information, upon request, to the public, including educational institutions and other research organizations.

To facilitate the input of data as well as the exchange of information, any recipient of a cooperative agreement awarded as a result of this notice must provide the magnetic tape in the format specified in the "NHTSA Data Tape Reference Guide." A copy of this document may be obtained from the programmatic information contact designated in this notice.

b. *Performance Reports:* The recipient shall present one (1) hour semiannual technical performance briefings at the NHTSA headquarters building (at 400 Seventh Street, S. W., Washington, DC 20590) which shall be due 30 days after the reporting period and a final performance report within 90 days after the completion of the research effort. An original and two copies of the final performance report shall be submitted to the COTR.

4. During the effective period of the cooperative agreement(s) awarded as a result of this notice, each agreement shall be subject to the general administrative requirements of OMB Circular A-110, the cost principles of OMB Circular A-21, A-122, or FAR 31.2 as applicable to the recipient, the requirements of 49 CFR parts 20 and 29, and the NHTSA General Provisions for Assistance Agreements.

Issued on: June 25, 1992.

George L. Parker,

Associate Administrator for Research and Development.

[FR Doc. 92-15498 Filed 7-1-92; 8:45 am]

BILLING CODE 4910-59-M

Annual List of Nonconforming Vehicles Determined to be Eligible for Importation

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Annual list of nonconforming vehicles determined to be eligible for importation.

SUMMARY: This notice lists all vehicles not originally manufactured to comply with all applicable Federal motor vehicle safety standards that have been determined under the Imported Vehicle Safety Compliance Act of 1988, as of June 1, 1992, to be eligible for importation into the United States.

FOR FURTHER INFORMATION CONTACT: Ted Bayler, Office of Vehicle Safety Compliance, NHTSA (202-366-5306).

SUPPLEMENTARY INFORMATION: Under section 108(c)(3)(A)(i) of the National Traffic and Motor Vehicle Safety Act, (15 U.S.C. 1381 *et seq.*) (the Act), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards shall be refused admission into the United States on and after January 31, 1990, unless the Secretary of Transportation has determined:

(I) that the motor vehicle * * * is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under section 114 [of the Act], and of the same model year * * * as the model of the motor vehicle to be compared, and is capable of being readily modified to conform to all applicable Federal motor vehicle safety standards; or (II) where there is no substantially similar United States motor vehicle, * * * that the safety features of the vehicle comply with or are capable of being modified to comply with all applicable Federal motor vehicle safety standards * * *.

Section 108(c)(3)(C)(i) of the Act, 15 U.S.C. 1397(c)(3)(C)(i), authorizes the Secretary of Transportation to make these import eligibility determinations "(I) on the petition of any registered importer or any manufacturer, or (II) on the Secretary's own initiative." The Secretary's authority to make these determinations has been delegated to the Administrator of NHTSA under 49 CFR 1.50(a). Recently, the Administrator redelegated to the Associate Administrator for Enforcement the authority to grant or deny petitions for import eligibility determinations submitted by motor vehicle manufacturers and registered importers (49 CFR 501.8(g)(3)). In the exercise of this authority, the Administrator has made a number of import eligibility determinations on his own initiatives, and NHTSA has granted several petitions for such determinations submitted by registered importers.

Section 108(c)(3)(C)(iv) of the Act, 15 U.S.C. 1397(c)(3)(C)(iv), requires the annual publication in the **Federal Register** of a list of all such determinations. That list is set forth in annex A and is current as of June 1, 1992.

Each vehicle on the list is preceded by a vehicle eligibility number. The importer of a vehicle admissible under any eligibility determination must write that number on the Form HS-7 accompanying entry to indicate that the

vehicle is eligible for importation. "VSA" eligibility numbers are assigned to vehicles that are determined to be eligible for importation on the initiative of the Administrator, and "VSP" eligibility numbers are assigned to those that are determined to be eligible on the basis of a petition from a manufacturer or registered importer. Vehicles for which eligibility determinations have been made are listed in Annex A alphabetically by make. Eligible models within each make are listed numerically by "VSA" or "VSP" number.

Authority: 15 U.S.C. 1397(c)(3)(C)(iv); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: June 26, 1992.

William A. Boehly,
Associate Administrator for Enforcement.

Annex A

Vehicles Certified by Their Original Manufacturer as Complying with all Applicable Canadian Motor Vehicle Safety Standards

VSA#

- 1 [a] All passenger cars manufactured on and after January 1, 1968, and before September 1, 1989;
- [b] All passenger cars manufactured on or after September 1, 1989, and before September 1, 1996, which are equipped with an automatic restraint system that complies with Federal Motor Vehicle Safety Standard (FMVSS) No. 208;
- [c] All multipurpose passenger vehicles, trucks, and buses manufactured between January 1, 1968, and September 1, 1991;
- [d] All multipurpose passenger vehicles, trucks, and buses manufactured on and after September 1, 1991, by their original manufacturer to comply with the requirements of FMVSS No. 202 and 208 to which they would have been subject had they been manufactured for sale in the United States; and
- [e] All trailers and motorcycles manufactured on and after January 1, 1968.

VEHICLES MANUFACTURED FOR OTHER THAN THE CANADIAN MARKET

VSA #	Model type	Model year
BMW		
2	1600	1968 through 1971.
3	2002	1968 through 1976.
4	2000 and 2000A	1969.
5	2500 and 2500A	1969 through 1970.
6	2800 and 2800A	1969 through 1971.
7	2002A	1970 through 1976.
8	2800CS and 2800CSA	1970 through 1971.

9	2.8 and 2.8A Bavaria	1971.
10	2002Ti	1972 through 1974.
11	3.0 and 3.0A Bavaria	1972.
12	3.0CSi and 3.0CSiA	1972 through 1974.
13	3.0S and 3.0SA	1974.
14	3.0Si and 3.0SiA	1975.
15	530i and 530iA	1975 through 1978.
16	320, 320i, and 320iA	1976 through 1985.
17	630CSi 630CSiA	1977.
18	633CSi and 633CSiA	1977 through 1984.
19	733i and 733iA	1977 through 1984.
20	528i and 528iA	1979 through 1984.
21	528e and 528eA	1982 through 1988.
22	533i and 533iA	1983 through 1984.
23	318i and 318iA	1981 through 1989.
24	325e and 325eA	1984 through 1987.
25	535i and 535iA	1985 through 1989.
26	524tdA	1985 through 1986.
27	635, 635CSi, and 635CSiA	1979 through 1989.
28	735, 735i, and 735iA	1980 through 1989.
29	L7	1986 through 1987.
30	325, 325i, 325iA, and 325E	1985 through 1989.
31	325 is and 325isA	1987 through 1989.
32	M6	1987 through 1988.
33	325iX and 325iXA	1988 through 1989.
34	M5	1988.
35	M3	1988 through 1989.
66	316	1978 through 1982.
67	323i	1978 through 1985.
68	520 and 520i	1978 through 1983.
69	525 and 525i	1979 through 1982.
70	728 and 728i	1977 through 1985.
71	730, 730i, and 730iA	1978 through 1980.
72	732i	1980 through 1984.
73	745i	1980 through 1986.

VSP #	Model type	Model year
BMW		
4	518i	1986.

5	525i	1989.
6	730iA	1988.

VSA #	Model type	Model year
Ferrari		
36	308 (all models)	1974 through 1985.
37	328 GTS	1985 through 1989.
37	328 (all other models)	1985 and 1988 through 1989.
38	GTO	1985.
39	Testarossa	1987 through 1989.
74	Mondial (all models) ..	1980 through 1989.
76	208, 208 Turbo (all models) ..	1974 through 1988.
Jaguar		
40	XJS	1980 through 1987.
41	XJ6	1970 through 1986.
Mazda		
42	RX7	1978 through 1981.

VSA #	Model type	Model ID	Model year
Mercedes Benz			
43	600	100.012	1968 through 1981.
43	600 Long 4dr	100.014	1968 through 1981.
43	600 Landaulet	100.015	1968 through 1981.
43	600 Long 6dr	100.016	1968 through 1981.
44	280 SLC	107.022	1975 through 1981.
44	350 SLC	107.023	1972 through 1979.
44	450 SLC	107.024	1973 through 1989.
44	380 SLC	107.025	1981 through 1989.
44	500 SLC	107.026	1978 through 1981.
44	300 SL	107.041	1986 through 1988.
44	280 SL	107.042	1969 through 1985.
44	350 SL	107.043	1971 through 1978.
44	450 SL	107.044	1972 through 1989.

44	380 SL.....	107.045	1980 through 1989.	49	280 C.....	114.073	1972 through 1976.	52	300 CD.....	123.150	1978 through 1985.
44	500 SL.....	107.046	1980 through 1989.	50	200.....	115.015	1976.	52	240 TD.....	123.183	1977 through 1985.
44	420 SL.....	107.047	1986.	50	230.4.....	115.017	1974 through 1976.	52	300 TD.....	123.193	1977 through 1985.
44	560 SL.....	107.048	1986 through 1989.	50	220 D.....	115.110	1968 through 1976.	52	200.....	123.220	1979 through 1985.
45	280 S.....	108.016	1968 through 1972.	50	240 D (3.0).....	115.114	1974 through 1976.	52	230 E.....	123.223	1977 through 1985.
45	280 SE.....	108.018	1968 through 1972.	50	240 D.....	115.117	1974 through 1976.	52	230 CE.....	123.243	1980 through 1984.
45	280 SEL.....	108.019	1968 through 1972.	51	280 S.....	116.020	1973 through 1980.	52	230 TE.....	123.283	1977 through 1985.
45	280 SE (3.5)....	108.057	1970 through 1973.	51	280 SE.....	116.024	1972 through 1988.	53	280 S.....	126.021	1980 through 1983.
45	280 SEL (3.5)...	108.058	1972 through 1973.	51	280 SEL.....	116.025	1972 through 1980.	53	280 SE.....	126.022	1980 through 1985.
45	280 SE (4.5)....	108.067	1970 through 1972.	51	350 SE.....	116.028	1973 through 1980.	53	280 SEL.....	126.023	1980 through 1985.
45	280 SEL (4.5)...	108.068	1972.	51	350 SEL.....	116.029	1972 through 1980.	53	300 SE.....	126.024	1985 through 1989.
46	300 SEL.....	109.016	1968 through 1972.	51	450 SE.....	116.032	1972 through 1980.	53	300 SEL.....	126.025	1986 through 1989.
46	300 SEL (6.3)...	109.018	1969 through 1972.	51	450 SEL.....	116.033	1972 through 1988.	53	380 SE.....	126.032	1979 through 1989.
46	300 SEL (4.5)...	109.057	1972.	51	450 SEL (6.9)...	116.036	1972 through 1988.	53	380 SEL.....	126.033	1980 through 1989.
47	280S E Coupe.	111.024	1966 through 1971.	52	200.....	123.020	1976 through 1980.	53	420 SE.....	126.034	1985 through 1989.
47	280 SE Conv.	111.025	1968 through 1971.	52	230.....	123.023	1976 through 1985.	53	420 SEL.....	126.035	1986 through 1989.
47	280 SE 3.5 Cp.	111.026	1971.	52	250.....	123.026	1976 through 1985.	53	500 SE.....	126.036	1980 through 1986.
47	280 SE 3.5 Cv.	111.026	1971.	52	280.....	123.030	1976 through 1985.	53	500 SEL.....	126.037	1980 through 1989.
48	230 SL.....	113.042	1968 through 1971.	52	280 E.....	123.033	1976 through 1985.	53	560 SEL.....	126.039	1986 through 1989.
48	250 SL.....	113.043	1968 through 1971.	52	230 C.....	123.043	1978 through 1980.	53	380 SE.....	126.043	1982 through 1989.
48	280 SL.....	113.044	1968 through 1971.	52	280 C.....	123.050	1977 through 1980.	53	500 SEC.....	126.044	1981 through 1989.
49	230.6.....	114.015	1968 through 1976.	52	280 CE.....	123.053	1977 through 1985.	53	560 SEC.....	126.045	1986 through 1989.
49	250.....	114.010	1968 through 1976.	52	230 T.....	123.083	1977 through 1985.	53	300 SD.....	126.120	1981 through 1989.
49	250.....	114.011	1971 through 1976.	52	280 TE.....	123.093	1977 through 1985.	54	190.....	201.022	1984.
49	250 CE.....	114.022	1970 through 1976.	52	200 D.....	123.120	1980 through 1982.	54	190 E (2.3).....	201.024	1983 through 1989.
49	250 C.....	114.023	1970 through 1976.	52	240 D.....	123.123	1977 through 1985.	54	190 E.....	201.028	1986 through 1989.
49	280.....	114.060	1972 through 1976.	52	300 D.....	123.130	1976 through 1985.	54	190 E (2.6).....	201.029	1986 through 1989.
49	280 E.....	114.062	1972 through 1976.	52	300 D.....	123.133	1977 through 1985.	54	190 E 2.3 16 ...	201.034	1984 through 1989.
49	280 CE.....	114.072	1972 through 1976.								

54	190 D (2.2)	201.122	1984 through 1989.
54	190 D	201.126	1984 through 1989.
55	200	124.020	1985.
55	230 E	124.023	1985 through 1987.
55	260 E	124.026	1985 through 1989.
55	300 E	124.030	1985 through 1989.
55	300 CE	124.050	1988 through 1989.
55	230 TE	124.083	1985.
55	300 TE	124.090	1986 through 1989.
55	300 D	124.130	1985 and 1986.
55	300 D Turbo	124.133	1985 through 1989.
55	300 TD Turbo	124.193	1986 through 1989.

VSP #	Model type	Model ID	Model year
Mercedes Benz			
1	230 E	124.023	1988.
2	230 TE	124.083	1989.
3	200 TE	124.081	1989.

VSA #	Model type	Model year
Nissan		
75	Z and 280Z	1973 through 1981.
75	Fairlady and Fairlady Z	1975 through 1979.
Porsche		
56	911 Coupe	1968 through 1989.
56	911 Targa	1968 through 1989.
56	911 Turbo	1976 through 1989.
56	911 Cabriolet	1984 through 1989.
56	911 Carrera	1972 through 1989.
57	912 Coupe	1968 through 1969.
57	912 Targa	1968 through 1969.
57	912 Karmann	1968 through 1969.
58	914	1970 through 1976.
59	924 Coupe	1976 through 1989.
59	924 Turbo Coupe	1979 through 1989.
59	924 S	1987 through 1989.

60	928 Coupe	1976 through 1989.
60	928 S Coupe	1983 through 1989.
60	928 S4	1979 through 1989.
60	928 GT	1979 through 1989.
61	944 Coupe	1982 through 1989.
61	944 Turbo Coupe	1985 through 1989.
61	944 S Coupe	1987 through 1989.

Rolls Royce

63	Silver Shadow	1970 through 1979.
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Toyota

63	Camry	1987 through 1988.
64	Cefica	1987 through 1988.
65	Corolla	1987 through 1988.

[FR Doc. 92-15523 Filed 7-1-92; 8:45 am]

BILLING CODE 4910-59-M

Research and Special Programs Administration

[Docket No. WPDA-2; Notice No. 92-1]

City of New York: Application for Waiver of Preemption Concerning Transportation of Radioactive Materials**AGENCY:** Research and Special Programs Administration (RSPA), DOT.**ACTION:** Notice.

SUMMARY: This is a proceeding to consider the application of the City of New York for a waiver of statutory preemption under the Hazardous Materials Transportation Act of the City's ordinance that effectively bans the transportation of certain radioactive materials through City limits. RSPA is giving notice that it will be conducting an additional study on the issue, and will reopen the comment period when the study is available.

FOR FURTHER INFORMATION CONTACT: Mary M. Crouter, Special Counsel, Office of the Chief Counsel (DCC-3), Research and Special Programs Administration, 400 Seventh Street, SW., Washington, DC 20590-0001, 202-366-4400.

SUPPLEMENTARY INFORMATION:**Background**

In 1976, the City of New York adopted an ordinance that effectively bans the transportation of certain radioactive materials, including spent nuclear fuel, through the City.

The City's ordinance is preempted by section 112(a) of the Hazardous Materials Transportation Act (HMTA) (49 App. U.S.C. 1811(a)).

The City filed an application with the Department seeking a waiver of that preemption in accordance with 49 App. U.S.C. 1811(d). The Department denied the application, and the City sought judicial review of that decision in the United States District Court for the Southern District of New York. In a December 8, 1988 decision, the Court vacated the Department's decision and remanded the matter to the Department for a new decision.

The Department reopened the record on March 28, 1989 (54 FR 12732), to allow the filing of comments to update and supplement the record. At the City's request, the Department postponed further consideration of the application to allow the City to supplement the record in response to several points raised by the Department in correspondence dated March 23, 1989.

In June 1990, the City filed a response to that correspondence, and on July 16, 1990, the Department invited public comment on the City's new submission (55 FR 28982). The comment period closed August 15, 1990. On September 5, 1990, at the request of the State of Connecticut, RSPA extended the comment period until October 5, 1990.

Additional Study

In order to fully evaluate the City's application, RSPA undertook a study of the city's safety analysis of preferred routes to be used to transport radioactive material around, instead of through, the City. In doing its analysis, the City used the Department of Transportation's Guidelines for Selecting Preferred Highway Routes for Highway Route Controlled Quantity Shipments of Radioactive Materials. During the course of RSPA's study of the City's analysis, RSPA discovered an error in the Guidelines. RSPA has published a separate notice in today's **Federal Register**, discussing the error in the Guidelines, and a method for correcting the error.

In addition, since the City's application was originally filed, other developments have occurred that are directly relevant to this matter. In 1990, RSPA amended the Hazardous Materials Regulations, 49 CFR 177.825(b)(2), to provide that a motor vehicle containing highway route controlled quantity (HRCQ) radioactive materials must transport those materials directly from pickup points to preferred routes and directly from preferred routes to delivery points using a shortest

distance criterion. 55 FR 19210, May 8, 1990. Section 177.825(b)(2)(iii) provides, with limited exceptions, that for pickup or delivery not over preferred routes, the route selected must be the shortest-distance route from the pickup location to the nearest preferred route entry location and the shortest-distance route to the delivery location from the nearest preferred route exit location.

The City's analysis of its preferred route was conducted prior to the 1990 rule change. RSPA plans to study an alternative preferred route that would be selected in accordance with 49 CFR 177.825(b)(2)(iii). RSPA also observed, in reviewing the City's analysis, that the preferred route analyzed by the City included a segment (Connecticut State Route 2) that was neither an Interstate System highway nor a State-designated route selected by a State routing agency in accordance with 49 CFR 177.825(b)(1).

Accordingly, RSPA plans to conduct an additional study of the City's application for a waiver of preemption to include consideration of these developments. When the study is completed, RSPA will make it available and will reopen the comment period to allow comment on the study and other issues.

Finally, in 1990 the HMTA was amended by the Hazardous Materials Transportation Uniform Safety Act (HMTUSA), Pub. L. 101-615. On February 28, 1991, RSPA amended its regulations to convert its existing procedures for inconsistency rulings and non-preemption determinations to procedures for preemption and waiver of preemption determinations. 56 FR 8616. On May 13, 1992, RSPA further amended its regulations to streamline the procedures for preemption and waiver of preemption determinations by eliminating the right of appeal to the Administrator of RSPA. 57 FR 20424. In place of an appeal, RSPA has provided that a petition for reconsideration may be filed with the Associate Administrator for Hazardous Materials Safety. Because these developments occurred after the 1988 remand of this matter to the Department for a new decision, RSPA intends to apply the new standards and procedures for making waiver of preemption determinations to this proceeding. As a result, this proceeding, previously identified as Docket NPDA-2, is now Docket WPDA-2 (Waiver of Preemption Determination Application No. 2).

The principal concern which gave rise to this matter was HRCQ shipments of radioactive materials being transported from the Brookhaven National Laboratory on Long Island to Idaho. It is RSPA's understanding that, at the

present time, there are no HRCQ radioactive materials shipments being made from Brookhaven. Therefore, RSPA does not believe that the additional period of study should have any effect on this situation.

Issued in Washington, DC on June 25, 1992, under authority delegated in 49 CFR 107.219.

Alan I. Roberts,

Associate Administrator for Hazardous Materials Safety.

[FR Doc. 92-15581 Filed 7-1-92; 8:45 am]

BILLING CODE 4910-60-M

Guidelines for Selecting Preferred Highway Routes for Highway Route Controlled Quantity Shipments of Radioactive Materials

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Notice.

SUMMARY: RSPA has found an error in the methodology used in the DOT publication "Guidelines for Selecting Preferred Highway Routes for Highway Route Controlled Quantity Shipments of Radioactive Materials", DOT/RSPA/OHMT-89/01 (the Guidelines). The equations in the Guidelines used for calculating the public health risk and economic risk are flawed in that they incorporate the length of a route segment twice, leading to overstated risks for long segments relative to shorter segments. Failure to adequately account for this flaw can overstate the comparative risk associated with the transportation of certain types of radioactive materials on highway routes of varying length and population density. RSPA is providing a method to correct this flaw, which is discussed below.

ADDRESSES: A revised edition of the Guidelines, incorporating these corrections, is available upon request from the Office of Hazardous Materials Planning and Analysis, room 8108, 400 Seventh St., SW., Washington, DC 20590-0001.

FOR FURTHER INFORMATION CONTACT: Joseph S. Nalevanko, Office of Hazardous Materials Planning and Analysis, (202) 366-4484, 400 Seventh Street, SW., Washington, DC 20590-0001.

SUPPLEMENTARY INFORMATION:

1. The Guidelines

Under 49 CFR 173.22 and 177.825, RSPA has established specific highway routing requirements for the

transportation of certain radioactive materials. Carriers subject to these requirements must, among other things, follow "preferred routes."

A preferred route is either or both an Interstate System highway for which an alternative route has not been designated by a State routing agency, or a State-designated route selected by a State routing agency. The purpose of the Guidelines is to provide State officials with a set of procedures and a methodology for identifying and evaluating important factors in the analysis of routing alternatives and in designating preferred routes.

The current (1989) edition of the Guidelines is an updated version of a previous DOT publication (DOT/RSPA/MTB-84/22, June 1984) with the same title, and a earlier edition (DOT/RSPA/MTB-81/5, June 1981), with the slightly different title of "Guidelines for Selecting Preferred Highway Routes for Large Quantity Shipments of Radioactive Materials." The current edition differs from the earlier versions in only a few minor respects (e.g., minor editorial changes to facilitate the analysis and presentation of the data). The error that has been found occurs in the current edition of the Guidelines and the earlier editions.

The error was discovered in the course of a RSPA proceeding to consider the application of the City of New York for a waiver of statutory preemption, under the Hazardous Materials Transportation Act, of the City's ordinance that effectively bans the transportation of certain radioactive materials through the City. (Docket No. NPDA-2). In order to fully evaluate the City's application, RSPA undertook a study of the City's safety analysis of alternative routes that might be used to transport certain radioactive materials around, instead of through, the City. In doing its analysis, the City used DOT's Guidelines. During the course of RSPA's evaluation of the City's routing analysis, RSPA discovered the error.

The responsibilities in 49 App. U.S.C. 1804(b) and (c) have been delegated to the Federal Highway Administration (FHWA). These responsibilities include regulation of the highway routing of hazardous materials, including radioactive materials currently included in 49 CFR 177.825. However, because RSPA was responsible for preparing and issuing the Guidelines, RSPA is correcting the error and regrets any inconvenience caused to the users of the Guidelines.

2. Correcting the Guidelines

Both the public health risk and

economic risk equations as presented in the 1989 Guidelines (and earlier editions) utilize the same methodological approach: A consequence term—either the number of people potentially exposed during an accident, or the land use types potentially exposed during an accident—is multiplied by an accident probability term (accidents per segment), to obtain the risk value. The consequence terms have a serious flaw in that they apply the effect of a single accident to the population and land use along the whole segment length; whereas, in fact, a single accident affects only a specific area that is independent of the length of the segment.

The area potentially affected by an accident is difficult to predict with accuracy, because it is dependent on the particular event scenario and topographical and meteorological conditions at the time and location of the accident. However, since the Guidelines use a comparative risk analysis methodology, the area affected by an accident can be assumed constant for each route, and can be replaced by a surrogate consequence term, such as the linear population density of a segment. These corrected consequence terms are derived by dividing the total segment population and the total segment land use, respectively, by the segment length. The equations that can be used to correct for the flaw in the Guidelines for public health risk (PHR) and economic risk (ER) from accidents are:

$$PHR = \left(\frac{[(\text{People } 0-5 \text{ mi. band} \times 0.75) + (\text{People } 10 \text{ mi. band} \times 0.25)]}{\text{segment length}} \right) \times \text{accidents per segment}$$

$$ER = \left(\frac{[(\text{Weighted total of land use types } 0-5 \text{ mi. band}) + (\text{Weighted total of land use types } 5-10 \text{ mi. band})]}{\text{segment length}} \right) \times \text{accidents per segment}$$

3. Availability of Revised Edition of the Guidelines

To correct the error, RSPA is preparing a revised edition of the Guidelines. To obtain a copy, contact the person shown in "FOR FURTHER INFORMATION CONTACT" or write to the address shown in "ADDRESSES".

Issued in Washington, DC on June 25, 1992, under authority delegated in 49 part 106, appendix A.

Alan I. Roberts,

Associate Administrator for Hazardous Materials Safety.

[FR Doc. 92-15573 Filed 7-1-92; 8:45 am]

BILLING CODE 4910-60-M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

Date: July 24, 1992.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: 1545-0182.

Form Number: IRS Form 4782.

Type of Review: Extension.

Title: Employee Moving Expense Information.

Description: 26 CFR 31.6051-1(e) requires employers to give employees a statement showing a detailed breakdown of reimbursements or payments of moving expenses. The information is used by employees to figure their moving expense deduction on their income tax return.

Respondents: Individuals or households, State or local governments, Businesses or other for-profit.

Estimated Number of Respondents/Recordkeepers: 1,155,000.

Estimated Burden Hours Per Respondent/Recordkeeper: 7 hours, 3 minutes.

Frequency of Response: Annually.

Estimated Total Reporting/Recordkeeping Burden: 8,142,750 hours.

Clearance Officer: Garrick Shear (202) 535-4297, Internal Revenue Service, Room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224.

OMB Reviewer: Milo Sunderhauf (202) 395-6880, Office of Management and Budget, Room 3001, New Executive Office Building, Washington, DC 20503.

Dale A. Morgan,

Departmental Reports, Management Officer.

[FR Doc. 92-15508 Filed 7-1-92; 8:45 am]

BILLING CODE 4830-01-M

Public Information Collection Requirements Submitted to OMB for Review

The Department of Treasury has submitted the following public

information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: 1545-0773.

Form Number: None.

Type of Review: Extension.

Title: Notice Required of Executor or Receiver.

Description: Internal Revenue Code Section 6036 requires executors or receivers to advise the district director of their appointment or authorization to act. This information is necessary so that IRS will know of the proceedings and who to contact for delinquent returns or taxes.

Estimated Number of Respondents: 50,000.

Estimated Burden Hours Per Response: 15 minutes.

Frequency of Response: Nonrecurring.

Estimated Total Reporting Burden: 12,500 hours.

Clearance Officer: Garrick Shear (202) 535-4297, Internal Revenue Service, Room 5571, 1111 Constitution Avenue, NW. Washington, DC 20224.

OMB Reviewer: Milo Sunderhauf (202) 395-6880, Office of Management and Budget, Room 3001, New Executive Office Building, Washington, DC 20503.

Dale A. Morgan,

Departmental Reports Management Officer.

[FR Doc. 92-15509 Filed 7-1-92; 8:45 am]

BILLING CODE 4830-01-M

Public Information Collection Requirements Submitted to OMB for Review

Date: June 25, 1992.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the

Treasury, Room 3171 Treasury Annex,
1500 Pennsylvania Avenue, NW.,
Washington, DC 20220.

Internal Revenue Service

OMB Number: 1545-0967.

Form Number: IRS Form 8453-F.

Type of Review: Revision.

Title: U.S. Fiduciary Income Tax Declaration and Signature for Electronic and Magnetic Media Filing.

Description: This form is used to secure taxpayer signatures and declarations in conjunction with electronic and magnetic media filing of trust and fiduciary income tax returns. This form, together with the electronic and magnetic media transmission, will comprise the taxpayer's income tax return (Form 1041).

Respondents: Individuals or households, Businesses or other for-profit.

Estimated Number of Respondents/Recordkeepers: 1,000.

Estimated Burden Hours Per Respondent/Recordkeeper:

Recordkeeping.....	7 minutes.
Learning about the law or the form.	4 minutes.
Preparing the form.....	18 minutes.
Copying, assembling, and sending the form to the IRS.	20 minutes.

Frequency of Response: Annually.

Estimated Total Reporting Burden: 810 hours.

Clearance Officer: Garrick Shear (202) 535-4297, Internal Revenue Service, Room 5571, 1111 Constitution Avenue, NW. Washington, DC 20224.

OMB Reviewer: Milo Sunderhauf (202) 395-6880, Office of Management and Budget, Room 3001, New Executive Office Building, Washington, DC 20503

Dale A. Morgan,

Departmental Reports, Management Officer.

[FR Doc. 92-15511 Filed 7-1-92; 8:45 am]

BILLING CODE 4830-01-M

Public Information Collection Requirements Submitted to OMB for Review

Date: June 25, 1992.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96-511. Copies of the submission(s) may be obtained by calling the treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: 1545-0144.

Form Number: IRS Form 2438.

Type of Review: Revision.

Title: Regulated Investment Company Undistributed Capital Gains Tax Return.

Description: form 2438 is used by regulated investment companies to figure capital gains tax on undistributed capital gains designated under IRC section 852(b)(3)(D). IRS uses this information to determine the correct tax.

Respondents: Businesses or other for-profit.

Estimated Number of Respondents/Recordkeepers: 100.

Estimated Burden Hours Per Respondent/Recordkeeper:

Recordkeeping	8 hours,
	8 minutes.
Learning about the law or the form.	35 minutes.
Preparing and sending the form to the IRS.	46 minutes.

Frequency of Response: Annually.

Estimated Total Reporting Burden: 948 hours.

Clearance Officer: Garrick Shear (202) 535-4297, Internal Revenue Service,

Room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224.

OMB Reviewer: Milo Sunderhauf (202) 395-6880, Office of Management and Budget, Room 3001, New Executive Office Building, Washington, DC 20503.

Dale A. Morgan,

Departmental Reports, Management Officer.

[FR Doc. 92-15513 Filed 7-1-92; 8:45 am]

BILLING CODE 4830-01-M

Fiscal Service

Renegotiation Board Interest Rate; Prompt Payment Interest Rate; Contracts Disputes Act

Although the Renegotiation Board is no longer in existence, other Federal Agencies are required to use interest rates computed under the criteria established by the Renegotiation Act of 1971 (Pub. L. 92-41). For example, the Contracts Disputes Act of 1978 (Pub. L. 95-563) and the Prompt Payment Act (Pub. L. 97-177) are required to calculate interest due on claims at a rate established by the Secretary of the Treasury pursuant to Public Law 92-41 (85 Stat. 97) for the Renegotiation Board. (31 U.S.C. 3902).

Therefore, notice is hereby given that, pursuant to the above mentioned sections, the Secretary of the Treasury has determined that the rate of interest applicable for the purpose of said sections, for the period beginning July 1, 1992 and ending on December 31, 1992, is 7% per centum per annum.

Dated: June 25, 1992.

Marcus Page,

Acting Fiscal Assistant Secretary.

[FR Doc. 92-15488 Filed 7-1-92; 8:45 am]

BILLING CODE 4810-35-M

Sunshine Act Meetings

Federal Register

Vol. 57, No. 128

Thursday, July 2, 1992

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 10:03 a.m. on Tuesday, June 30, 1992, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider the following:

Recommendations concerning administrative enforcement proceedings.
Request by a financial institution relating to the cross-guaranty provisions of the Federal Deposit Insurance Act.

Matters relating to certain financial institutions.

Matters relating to the Corporation's assistance agreement with an insured bank.

Matters relating to the Corporation's corporate activities.

Personnel matter.

In calling the meeting, the Board determined, on motion of Director C.C. Hope, Jr. (Appointive), seconded by Director T. Timothy Ryan, Jr. (Office of Thrift Supervision), and concurred in by Vice Chairman Andrew C. Hove, Jr., Director Stephen R. Steinbrink (Acting Comptroller of the Currency), and Chairman William Taylor, that Corporation business required its

consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii) and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

The meeting was held in the Board Room of the FDIC Building located at 550-17th Street, N.W., Washington, D.C.

Dated: June 30, 1992.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Deputy Executive Secretary.

[FR Doc. 92-15772 Filed 6-30-92; 3:54 pm]

BILLING CODE 6714-01-M

FEDERAL ELECTION COMMISSION

DATE AND TIME: Tuesday, July 7, 1992 at 10:00 a.m.

PLACE: 999 E Street, N.W., Washington, D.C.

STATUS: This Meeting Will Be Closed to the Public.

ITEMS TO BE DISCUSSED:

Compliance matters pursuant to 2 U.S.C. § 437g.

Audits conducted pursuant to U.S.C. § 437g, § 438g, § 438(b), and title 26, U.S.C.

Matters concerning participation in civil actions or proceedings or arbitration
Internal personnel rules and procedures or matters affecting a particular employee

DATE AND TIME: Thursday, July 9, 1992 at 10:00 a.m.

PLACE: 999 E Street, N.W., Washington, D.C. (Ninth Floor.)

STATUS: This Meeting Will Be Open to the Public.

ITEMS TO BE DISCUSSED:

Correction and Approval of Minutes
Title 26 Certification Matters

Advisory Opinion 1992-19:

JoAnne Waldum of the Mike Kreidler for Congress Committee

Advisory Opinion 1992-20:

Frederick T. Spahr of ASHA-PAC

Advisory Opinion 1992-20:

Frederick T. Spahr of ASHA-PAC

Advisory Opinion 1992-25:

Clay Newton of Owens for Senate Committee

Draft Final Rule with E&J on Special Fundraising Projects and Other Use of Candidate Names by Unauthorized Committee

Revised MCFL Notice of Proposed Rulemaking

PERSON TO CONTACT FOR INFORMATION:

Mr. Fred Eiland, Press Officer,
Telephone (202) 219-4155.

Marjorie W. Emmons,

Secretary of the Commission.

[FR Doc. 92-15771 Filed 6-30-92, 3:42 pm]

BILLING CODE 6715-01-M

Corrections

Federal Register

Vol. 57, No. 128

Thursday, July 2, 1992

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF ENERGY

Inviting Grant Applications for Innovative Concepts Program

Correction

In notice document 92-14018 beginning on page 26652 in the issue of Monday, June 15, 1992, make the following corrections:

1. On page 26652, in the third column, the subject heading should read as set forth above.

2. On page 26653, in the second column, under **ADDRESSES AND FURTHER INFORMATION**, in the fifth line, "(202) 553-2166" should read "(206) 553-2166".

BILLING CODE 1505-01-D

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP92-186-000]

Texas Gas Transmission Corp.; Petition for Limited Waiver

Correction

In notice document 92-14041 appearing on page 26841 in the issue of Tuesday, June 16, 1992, the Docket No. should read as set forth above.

BILLING CODE 1505-01-D

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-30695; International Series Release No. 386; File No. SR-NASD-92-18]

Self-Regulatory Organizations; National Association of Securities Dealers, Inc.; Filing and Order Granting Accelerated Approval to Proposed Rule Change Extending the Informational Linkage With the Stock Exchange of Singapore Ltd. for a 6- Month Period

Correction

In notice document 92-11639 beginning on page 21316 in the issue of Tuesday,

May 19, 1992, on page 21316, in the second column, after the subject heading insert "May 13, 1992".

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 214

[FRA Docket No. ROS-2, Notice No. 1]

RIN 2130-AA48

Bridge Worker Safety Rules

Correction

In rule document 92-14566 beginning on page 28116 in the issue of Wednesday, June 24, 1992, make the following correction:

On page 28116, in the first column, in the **EFFECTIVE DATE** paragraph, "August 24, 1992" should read "July 24, 1992".

BILLING CODE 1505-01-D

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Chapter XLIX	730
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Chapter LI	760
Chapter LII	775
Chapter LIII	790
Chapter LIV	805
Chapter LV	820
Chapter LVI	835
Chapter LVII	850
Chapter LVIII	865
Chapter LIX	880
Chapter LX	895
Chapter LXI	910
Chapter LXII	925
Chapter LXIII	940
Chapter LXIV	955
Chapter LXV	970
Chapter LXVI	985
Chapter LXVII	1000
Chapter LXVIII	1015
Chapter LXIX	1030
Chapter LXX	1045
Chapter LXXI	1060
Chapter LXXII	1075
Chapter LXXIII	1090
Chapter LXXIV	1105
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Chapter LXXXXXXXIII	2110
Chapter LXXXXXXXIV	2125
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Chapter LXXXXXXXVI	2155
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Chapter LXXXXXXXVIII	2185
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Chapter LXXXXXXXIII	7915
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Chapter LXXXXXXXIV	8065
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Chapter LXXXXXXXVI	8095
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federal register

**Thursday
July 2, 1992**

Part II

Securities and Exchange Commission

**17 CFR Parts 229, 240 and 249
Regulation of Communications Among
Securityholders and Executive
Compensation Disclosure; Proposed
Rules**

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 240 and 249

Release Number 34-30849; IC-18803 [File No. S7-15-92]

RIN 3235-AE12

Regulation of Communications Among Securityholders

AGENCY: Securities and Exchange Commission.

ACTION: Revisions of proposed rules.

SUMMARY: The Securities and Exchange Commission is revising its proposals, published June 25, 1991, (56 FR 28987) to amend the proxy rules under section 14(a) of the Securities Exchange Act ("Exchange Act"). As originally proposed, and as repropoed today, these amendments are intended to facilitate shareholder communications and to enhance informed proxy voting, and to reduce the cost of compliance with the proxy rules for all persons engaged in a proxy solicitation. The revised proposals described below are in response to the over 900 comment letters received by the Commission and other public commentary with respect to the June proposals and the proxy voting process.

DATES: August 31, 1992.

ADDRESSES: Comments should be submitted in triplicate to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Comment letters should refer to File No. S7-15-92. All comment letters will be available for public inspection and copying in the Commission's Public Reference Room, 450 Fifth Street, NW., Stop 6-9, Washington, DC 20549.

FOR FURTHER INFORMATION CONTACT: David A. Sirignano, Chief, and Jane K.P. Tam, Attorney, Office of Tender Offers ((202) 272-3097), Catherine T. Dixon, Chief, and Elizabeth M. Murphy, Attorney, Office of Disclosure Policy ((202) 272-2589) Division of Corporation Finance, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549.

SUPPLEMENTARY INFORMATION: The Commission is proposing amendments to revise Rules 14a-1(f), 14a-2(b), 14a-4(a), (b)(1) and (d), 14a-6(a), (c)-(f), (i) and (j), 14a-7 and 14a-11(c), 14a-12, 14c-5 and Item 21 of Schedule 14A and Item 5 of Schedule 14C and Forms 10-K and 10-Q under the Exchange Act; to add new Rule 14a-3(f), and Notice Form 14; and to delete Rules 14a-6(b) and 14a-11(d) and (e).

First, proposed exemptive Rule 14a-2(b)(1) has been revised to require public notice of written solicitations made in reliance on the exemption. The categories of persons excluded from the exemption has been expanded to include persons required to file a Schedule 13D, unless they have filed and have not disclosed an intent, or reserved the right, to engage in a control transaction. Second, the Commission is repropoing to amend Rule 14a-6 to eliminate the preliminary filing of all soliciting material other than proxy statements and the form of proxy. Third, the Commission is repropoing to provide that preliminary proxy material and information statements be public upon filing. The repropoal, however, would permit specified proxy and information statements required to comply with Item 14 of Schedule 14A (Mergers, Consolidations, Acquisitions and Similar Matters) to be filed confidentially, unless subject to the Commission's roll-up rules or the going private rule—Rule 13e-3 under the Exchange Act.

Fourth, the Commission is repropoing with significant modifications amendments to Rule 14a-7, the mailing and shareholder list rule. The principal modification is to continue to allow registrants the election to mail soliciting materials, rather than provide a list of shareholders, except in the case of rollups and going private transactions. Disclosure is proposed for the registrant's proxy statement, at the suggestion of several commenters, of denials of shareholder requests for a stockholder list. The repropoal would clarify the registrant's obligation to advise requesting shareholders of the number and costs of mailing to subgroups of shareholders as specified by the requesting shareholder. The registrant would no longer be permitted to delay mailing the shareholder's materials until the registrant is ready to mail its materials. The proposal also has been revised to provide that an issuer that chooses or is required to deliver a list need not solely for the purposes of Rule 14a-7 compile a list of nonobjecting beneficial owners upon the request of a shareholder. Finally, the proposal would require a sworn certification of proper purpose by the requesting shareholder.

The Commission is proposing additional amendments to the proxy and reporting rules to facilitate further shareholder communications and to enhance the efficacy of the shareholder franchise. The Commission is proposing to amend the definition of "solicitation" to make clear that an announcement by a shareholder of how it intends to vote, and why, is not a solicitation.

The Commission is proposing to expand the provisions of the rules that permit a solicitation for an election contest or other specified actions to begin prior to delivery of a proxy statement, to all solicitations. In addition, a soliciting party would be permitted to publish in a newspaper, participate in a broadcast, or give a speech without having to bear the cost of delivering a proxy statement to all shareholders solely on the basis of such action. The obligation to file a proxy statement would not be affected by this proposed revision to the proxy statement delivery rule.

The Commission is proposing to amend the rule governing the form of proxy to require the party soliciting with regard to a group of related proposals, to set out each proposal separately on the form of proxy to allow for a separate vote on each matter. The proposal would not prohibit the soliciting party from conditioning the effectiveness of any proposal on the adoption of one or more other proposals. The Commission is also proposing to amend its definition of "bona fide nominee" to permit shareholders seeking to nominate less than a majority of the board to solicit proxies carrying one or more of management's nominees on the shareholder's form of proxy. This amendment is intended to eliminate a regulatory obstacle to shareholders obtaining minority representation on the board of directors.

Disclosure requirements of Schedule 14A are proposed to be amended to codify the required disclosure of how abstentions will be counted. Forms 10-K and 10-Q are proposed to be amended to require complete disclosure of the results of all shareholder votes.

Finally, the Commission is publishing for public comment a proposal that is the subject of a rulemaking petition submitted by Edward V. Regan, Comptroller of the State of New York, that would permit shareholders holding a specified amount of the company's stock to have included in the registrant's proxy statement a statement of their views regarding the long-term performance of the company and the effectiveness of management and the board of directors in promoting such performance and increasing shareholder values.

I. Executive Summary

The proposals published today for comment follow upon an extensive examination by the Commission, through dialogue with and comment from issuer, shareholder, academic, legal and other interested groups, with

regard to the effectiveness of the proxy-voting process and its effect on the corporate governance system in this country. Within the ambit of this broad examination, the Commission has focused on the role of its proxy and disclosure rules in impeding shareholder communication and participation in the corporate governance process, in order to further Congress' intent to assure fair, informed and effective shareholder suffrage.

Based on the record compiled by the Commission both prior to and in response to the issuance of its June 1991 proposals,¹ as well as comments made in public forums² and congressional hearings, the Commission continues to believe that the Commission's rules create unnecessary regulatory impediments to free and open shareholder communication and effective use of the shareholder franchise, and that change is necessary.

The revised proposals as well as the proposals published for the first time today, are intended to reduce these burdens. The new proposals build upon the revisions to the proxy statement filing and dissemination requirements proposed in June 1991, and are intended to remove regulatory obstacles to widespread, public dissemination of shareholder views and to minimize regulatory interference with the form and content of soliciting communications.

Other proposals—the change to the bona fide nominee rule and the unbundling of related proposals—are aimed at eliminating unnecessary burdens on shareholders' effective use of their franchise. The Commission's proposal includes revisions to clarify and enhance the disclosures provided shareholders in the context of a solicitation as well as in the reporting of voting results.

A. Background

In June 1991, after two years of study of its proxy rules and the proxy voting process, the Commission published four amendments to its proxy rules that would:

1. Permit shareholders and other persons to exchange views or comment on a proxy solicitation undertaken by the company, or any other person, without having to file with the Commission or deliver a proxy statement to solicited shareholders;
2. Eliminate SEC preclearance of all soliciting material other than the proxy statement and form of proxy;
3. Make public all soliciting material filed in preliminary form immediately upon filing, like all other Commission filings; and
4. Condition management's solicitation of proxies on shareholders being given equal access to stockholder list information for purposes of the shareholder's solicitation.

To date the Commission has received more than 900 letters of comment in response to its June 1991 release.³ Commenters include approximately 600 individual and institutional holders of equity securities in corporations and limited partnerships, more than 210 registrants or registrant organizations, legislators at both the state and federal levels, a number of law and business professors, and lawyers.

The proposals were subject to opposition from the corporate community who argued that the Commission was attempting to fix a system that wasn't broken and indeed was working quite well. These commenters contended that not only were the proposals unnecessary, but that their adoption would "further the disturbing trend toward the determination of the outcome of shareholder voting by secret back-room lobbying of and negotiations with institutional investors, rather than in open and public proxy campaigns."⁴ Institutional shareholders, academics and most individual investors, on the other hand, generally commended the Commission's efforts but urged the Commission to go further in reducing what the commenters saw as impediments to effective communication and voting that remained unaddressed by the Commission's proposals—such as the bona fide nominee rule, access to the proxy statement and nomination of directors, executive compensation, confidential voting and independent tabulation.

Aside from those commenters taking the position that there appeared to be no need for a change, commenters

generally supported the basic thrust of the proposals with suggested revisions and refinements, a number of which are incorporated in today's repropoals.

B. The Revised Proposals

Of the four proposals published in June 1991, the first—new exemptive Rule 14a-2(b)(1)—drew the most comment. The proposed exemption would have allowed shareholders to comment on an issuer's or another shareholder's proxy solicitation without having to file with the Commission or deliver a proxy statement provided that: (1) the commenting shareholder was not soliciting a proxy authorization, (2) did not have a material economic interest in the subject matter of the solicitation (other than as a shareholder or employee), and (3) was not acting on behalf of such person. Under the proposal, the exempt solicitation would remain subject to the antifraud prohibitions of Rule 14a-9.

In response to concerns raised with respect to the need for public notice of extensive soliciting activity, the revised proposal would provide for such public notice by (1) publication (including issuance of a press release) or broadcast in general media, or (2) submission to the Commission of written soliciting material. Based on concerns for interference with free and open discussion concerning the company or its management, the Commission is not proposing to require that a notice of oral solicitation be submitted to the Commission.

No significant change has been made to the proposal to eliminate preliminary filing of soliciting materials other than proxy statements and the form of proxy. Comment is again solicited as to whether certain additional classes of proxy statements should be excused from SEC preclearance.

The proposal to require all preliminary proxy material and information statements to be public upon filing is being repropoed with one substantive revision. Under the repropoal, a company would be able to obtain confidential treatment of a preliminary proxy and information statements where the filing is subject to Item 14 of Schedule 14A (Mergers, Consolidations, Acquisition and Similar Matters),⁵ the transaction has not yet been publicly announced, and the filing is not subject to the Commission's roll-up rules⁶ or the Commission's going private rule, Rule 13e-3.⁷

¹ Exchange Act Release No. 29315 (June 17, 1991).

² The Commission sponsored a two-day public forum on these issues on March 18-19, 1992. A transcript of those proceedings has been included in the public file with respect to the June 1991 proposals [S7-22-91].

Prior to publication of the June release, the Commission and staff received more than 50 letters proposing changes to the Commission's proxy and disclosure rules, or commenting on such proposals. More than 500 letters were submitted by individual members of United Shareholders of America, in support of a rulemaking petition submitted by that organization. These letters are included in Public File No. 4-353.

³ The comment letters and a staff summary of the letters may be inspected and copied at the Commission Public Reference Room (File No. S7-22-91).

⁴ Comment letter submitted by The Business Roundtable, dated September 18, 1991, at 2.

⁵ 17 CFR 240.14a-101.

⁶ 17 CFR 229.901-229.915.

⁷ 17 CFR 240.13e-3.

The Commission's proposed amendments to the shareholder mailing and list rule, Rule 14a-7,⁸ are being repropounded with substantive revisions. First, except in the case of roll-ups and going private transactions, registrants will continue to have the ability to mail materials for the soliciting shareholders, rather than provide a shareholder list pursuant to Rule 14a-7. A registrant electing to mail will be required to mail to any subset of shareholders specified by the requesting shareholder. At the suggestion of several commenters who urged continued registrant discretion to mail, however, the registrant will be required to provide disclosure in the proxy statement of a decision to deny access to the list.

Second, the registrant will no longer be permitted to delay mailing the shareholder's materials until the registrant is ready to mail its own materials. Third, where the registrant elects or is required to provide the list, a requestor will be required to provide a certification of proper business purpose in the form of an affidavit, declaration or other sworn statement. Fourth, the amendments will no longer require a registrant to compile a NOBO/COBO list at the request of a shareholder, although a registrant providing a shareholder list will be required to deliver any such list in the registrant's possession and any other beneficial ownership information used by the registrant in its solicitation. Finally, the proposal would make clear that a request for a list will trigger the registrant's Rule 14a-7 obligations.

The Commission is proposing additional amendments to the proxy rules to address concerns raised in the comment letters and ongoing public discussion of the proxy process. The definition of solicitation would be amended to eliminate any doubt that a shareholder can make a public announcement of how it intends to vote and provide the reasons for that decision without having to comply with the proxy rules.

The Commission is proposing to extend to all solicitations the provisions of its rules that permit election contests and other contested solicitations to commence prior to filing and delivery of a proxy statement to a solicited shareholder. As with the current rule, any such pre-proxy statement solicitation would have to include specified disclosures concerning the soliciting party and no form of proxy could be provided until a definitive proxy statement is filed and delivered to

the shareholder. Similarly, the Commission is proposing to revise the proxy statement delivery requirements under Rule 14a-3 to permit a soliciting party to publish material in a newspaper or participate in a broadcast, or give a speech, without automatically triggering the obligation to deliver a proxy statement. The obligation to file a proxy statement will be unaffected by the change to Rule 14a-3.

The Commission is proposing to amend Rule 14a-4 to require the form of proxy to set out each matter in a group of related matters separately on the form of proxy to allow for a separate vote on each matter.⁹ The purpose of the Commission's proposal is to permit shareholders to communicate to the board of directors their views on each of the matters put to a vote, and not be forced to approve or disapprove a package of items and thus approve matters they might not if presented independently. This approach would eliminate the interpretive uncertainties in determining what matters are properly viewed as related. Since the legal effect of a matter approved by shareholders generally is a question of state law, the proposal would not prohibit the soliciting party from conditioning the effectiveness of any proposal on the adoption of one or more other proposals, if permitted by state law.

The Commission also is proposing to amend its definition of "bona fide nominee" in Rule 14a-4,¹⁰ to permit those seeking to nominate persons representing less than a majority of directors to solicit proxies carrying one or more of management's nominees. The current definition results in an opposing shareholder either having to run a full slate of directors or a short slate that serves to partially disenfranchise shareholders who want to vote for the opposition nominees. This amendment is intended to eliminate an unnecessary regulatory obstacle to shareholders successfully nominating and electing minority representation on the board of directors.

Finally, Commission also is proposing several revisions of its disclosure requirements. Item 21 of Schedule 14A is proposed to be amended to codify the required disclosure with respect to abstentions. Forms 10-K and 10-Q¹¹ are proposed to be amended to require complete disclosure of the results of all shareholder votes. Thus, for example, an issuer will be required to disclose with respect to an election of directors, the

votes for and withheld with respect to each nominee.

In addition, the Commission is publishing for public comment a petition for rulemaking filed by Edward V. Regan that would allow shareholders in specified circumstances to require management to include in its proxy statement relating to the election of directors, a statement expressing views on the long-term performance of the company and the effectiveness of management and the board of directors in achieving such long-term growth and shareholder values.

II. Discussion

A. Exemption For Persons Not Seeking Proxy Authority

The initiative to exempt from the proxy rules (other than Rule 14a-9) solicitations by persons not seeking proxy authority was undertaken as a result of the substantial concern raised by public commentary and letters to the Commission and its staff, concerns subsequently confirmed in many of the comment letters filed in response to the proposals, that the current rules unnecessarily curtail communications by shareholders on matters related to the company and its management as well as with respect to matters presented by the registrant or a third party for shareholder action.

Of course, compliance with the proxy rules is necessary only if the communication constitutes a proxy solicitation within the meaning of those rules. However, what communications may be deemed to constitute a solicitation is not always clear. Of particular concern is the broad definition of a proxy solicitation to include not only a request for a proxy or request to execute, not execute or revoke a proxy, but also "the furnishing of * * * a communication to security holders under circumstances reasonably calculated to result in the procurement, withholding or revocation of a proxy."¹² The potential that commentary with respect to the company or its management or board of directors, may be deemed after the fact to constitute a solicitation that required compliance with the proxy rules, including the filing and dissemination of a proxy statement, clearly can have, and has been reported to have had, a substantial chilling effect on the communications of shareholders and others on matters relating to the company. As a result, not only may shareholders be dissuaded from commenting on management initiatives

⁸ 17 CFR 240.14a-7.

⁹ 17 CFR 240.14a-4 (a) and (b)(1).

¹⁰ 17 CFR 240.14a-4(d).

¹¹ 17 CFR 249.310 and 249.308a.

¹² 17 CFR 240.14a-1(l)(1)(iii).

put before shareholders for a vote but shareholders and others who seek simply to comment on the effectiveness of management in achieving long-term corporate performance and shareholder values also will be silenced. Shareholders would be better served by a regulatory process that encourages and facilitates free and open communications.

Today's rep proposal of the exemption is intended to refine the June 1991 proposal in light of the public comment on the proposed exemption.

1. Qualifications

No significant changes have been made to the qualifications for use of the proposed exemption. The exemption under proposed Rule 14a-2(b)(1) would be available to those shareholders and others who undertake to discuss matters that are the subject of the company's or a third party's solicitation, but do not solicit proxy authority from shareholders of the company with respect to the same meeting or engage in a consent solicitation and do not have a material economic interest in the subject matter of the solicitation other than as a shareholder or a rank and file employee. As initially proposed, the Rule 14a-2(b)(1) included a note providing examples of persons who would be excluded under those criteria:

- a. An affiliate, officer or director of the issuer or an ineligible party;
- b. A competing bidder;
- c. An interested person of a registered investment company;
- d. A person who receives compensation directly or indirectly from any of the above; and
- e. A person acting on behalf of a person soliciting proxy authority or who is otherwise ineligible.

The text of the rule has been rewritten to replace the exemplary note of excluded persons with a specified list of ineligible persons. As proposed, the registrant and officers, directors, or affiliates of the registrant or a person conducting a nonexempt solicitation as well as participants in a nonexempt solicitation would be ineligible.¹³

Persons receiving compensation for rendering advice or services related to the solicitation from an ineligible person would be excluded. The exclusion is limited to compensation related to the solicitation, in response to comments that the initial proposal would disqualify anyone receiving compensation from the registrant or a soliciting party for any reason, including broker-dealers and banks that are reimbursed for forwarding material or providing

beneficial ownership information. Comment is requested whether such a standard is subject to abuse and whether, as initially proposed, all persons receiving compensation (other than mandatory reimbursement) from an ineligible party should be deemed to be acting on behalf of that party.¹⁴

Any person soliciting or planning to solicit tenders in connection with a competing tender offer, or who otherwise is proposing an alternative transaction to which it or one of its affiliates is or will be a party, would not qualify.¹⁵ Similarly, any person required to file a Schedule 13D and who has not filed and any person who has filed a Schedule 13D disclosing an intent to, or reserving the right to, engage in a control transaction, including an election contest, could not rely on the exemption.¹⁶

Where the registrant is an investment company registered under the Investment Company Act of 1940 [15 U.S.C. 80a-1 et seq.], an "interested person" of that investment company would not be entitled to the exemption with respect to solicitation of the registered investment company's shareholders.¹⁷ The language has been revised from the original proposal to make clear that the disqualification does not extend to solicitations with respect to portfolio securities, unless the investment company itself is engaging in a non-exempt solicitation.

The final category of ineligible persons would be persons with a substantial interest in the subject matter of the solicitation, other than as a shareholder or rank and file employee.¹⁸ One common objection to the original proposal was the use of the term "disinterested" to describe the type of person entitled to rely on the exemption, particularly since all shareholders presumably have an economic interest in the subject matter of a vote. The term "disinterested" will no longer be used to describe the exemption. Eligibility will turn upon whether the soliciting party has a substantial interest in the matter to be acted upon, a matter currently required to be disclosed under Item 5 of Schedule 14A, and like that item would not include any ownership interest in securities of the issuer where the shareholder will profit or otherwise benefit from shareholder action only in a manner that is proportionately shared by other shareholders.

The solicitation could not be made on behalf of a person who is seeking proxy authority or who is specifically excluded from the exemption or who has a disqualifying substantial interest.¹⁹

2. Public Notice of Written Solicitations Under Proposed Rule 14a-2(b)(1)

As originally proposed, the exemption would not have required any public notice of the exempt solicitation. Any regulatory requirement creates a potential chilling effect on shareholder communications and consultations, since attention always must be paid to whether the communication rises to the level of a proxy solicitation, requiring compliance with federal document preparation and filing requirements. Nevertheless, to address the concern raised by commenters with respect to nonpublic solicitations, the Commission is proposing that public notice of the solicitation be provided by persons relying on the exemption in certain circumstances. The type of notice required will turn on the nature of the solicitation. Accordingly, solicitations published in newspapers, magazines and other publications (including press releases) or public broadcast would not be subject to additional notice requirements.²⁰ These solicitations are inherently public and, when such media are used, the risk of a chilling effect arising from uncertainty whether the communication is a proxy solicitation subject to the Commission's rules is wholly unnecessary. The rule provides guidance on the type of publications that provide adequate public notice, drawing upon concepts used under the Investment Advisers Act of 1940.²¹

Other written solicitation material would be required to be submitted to the Commission to be available to the public.²² The soliciting material would be submitted under the cover of a simple form, proposed Notice Form 14, identifying the soliciting party, and that party's ownership of the securities of the issuer.

The proposed rules would not require a person who is engaged only in an oral solicitation and who is eligible for the proposed exemption to prepare or submit a written document to the

¹³ Proposed Rule 14a-2(b)(1)(ix). A solicitation would not be deemed to be conducted on behalf of an ineligible person merely because a person encourages securityholders to execute a form of proxy disseminated by such ineligible person.

¹⁴ Proposed Rule 14a-6(g)(2).

¹⁵ See Section 202(a)(11), 15 U.S.C. 80b-2(a)(11). See also *Lowe v. SEC*, 472 U.S. 181, 206 (1985) (exempt publication must be "disinterested" and "offered to the general public on a regular schedule").

¹⁶ Proposed Rule 14a-6(g)(2).

¹⁷ Proposed Rule 14a-2(b)(1)(vi).

¹⁸ Proposed Rule 14a-2(b)(1)(iv).

¹⁹ Proposed Rule 14a-2(b)(1)(v).

²⁰ Proposed Rule 14a-2(b)(1)(vii).

²¹ Proposed Rule 14a-2(b)(1)(viii).

²² Proposed Rule 14a-2(b)(1)(i), (ii) and (iii).

Commission. These persons could not be seeking proxy authorizations or have a disqualifying interest in the company or the subject matter of the solicitation. The Commission has serious reservations about requiring submission of a notice form in such communications. The chilling effect that arises whenever there is a need to discern whether a conversation will be deemed a solicitation is of major concern to the Commission. As noted above, the broad definition of proxy solicitation raises the specter of a shareholder being found after the fact to have violated the proxy rules as a result of a speech commenting on company performance or management's activities, or even a conversation at a dinner attended by more than 10 other shareholders. There can be little shareholder interest served by cutting off such conversations because of the risk of a potential proxy rule violation. It does not appear in shareholders' interests to impose costs on shareholders who do no more than orally communicate opposition to or support for a management or a third party initiative.

Moreover, under the beneficial ownership reporting requirements, shareholders will be provided comprehensive disclosure in those instances where substantial shareholders agree to act together as a group to change or influence control of the company. While the proposed exemption is intended to facilitate free and open communications and consultations among shareholders, it does not excuse shareholders from complying with the reporting requirements pursuant to section 13(d) of the Exchange Act.²³

The Commission recognizes that some may suggest that the purposes of requiring public notice of exempt written soliciting material would apply as well to exempt oral solicitations and that the burden placed on free and open speech by the ambiguous breadth of the definition of solicitation and the potential chilling effect on discussion concerning the company or its management do not outweigh the need for public notice of some types or all such oral communications. The Commission, therefore, requests comment as to whether it should require a short notice form to be submitted to the Commission for all oral solicitation communications or whether there are particular defined types of oral solicitation that justify a public notice requirement, e.g., a widespread

campaign to defeat or support a management or third party initiative.

Copies of the notice and written soliciting material would be submitted or mailed to the Commission and the exchanges on which the security is listed within 10 days of their first use. Defining the submission date in terms of mailing date, parallels the treatment of definitive proxy material. No filing fee would be required. Timely submission of the notice will not be a condition to the exemption. Comment is requested whether the time for mailing the submission to the Commission and the exchange should be extended or reduced.

B. Preliminary Filing and Staff Review of Soliciting Material

The Commission originally proposed to amend Rules 14a-6,²⁴ 14a-11(e)²⁵ and 14a-12(b)²⁶ to allow all soliciting materials, whether disseminated prior or subsequent to the dissemination of the written proxy statement, to be filed only in definitive form at the time of dissemination. The proposals would not have rescinded existing preliminary filing requirements in Rule 14a-6(a) relating to the written proxy statement and form of proxy. That approach is being repropounded in substantially the same form.²⁷ Materials not subject to a preliminary filing requirement would be filed with, or mailed for filing to, the Commission and sent to the exchanges on the same day they are first published, sent or given to shareholders.

The Commission also is considering, and is seeking comment on the advisability of, exempting from Commission preclearance proxy or information statements and related forms of proxy that are not required to comply with Items 11 (Authorization or Issuance of Securities Otherwise than for Exchange), 12 (Modification or Exchange of Securities), 13 (Financial or other Information), 14 (Mergers, Consolidations, Acquisitions and Similar Matters), 16 (Restatement of Accounts), 18 (Matters Not required to be Submitted), 19 (Amendments to Charter, By-laws or other documents), or 20 (other matters). Under such an approach, for example, proxy statements used in election contests by the company or insurgents would not have to be filed in preliminary form and reviewed by the Commission staff.

²⁴ 17 CFR 240.14a-6.

²⁵ 17 CFR 240.14a-11(e).

²⁶ 17 CFR 240.14a-12(b).

²⁷ Rule 14a-6(a) is proposed to be amended to delete the reference to "other soliciting materials" to be disseminated with the proxy statement to clarify that this material is not subject to the preliminary filing requirement.

Schedules 14B, providing detailed identification and background information concerning persons participating in an election contest, currently are required to be filed in definitive form by all participants in an election contest.²⁸ In the case of insurgents, a Schedule 14B generally must be filed five business days prior to the commencement of the solicitation. Management participants, on the other hand, generally do not have to file Schedules 14B until five business days after commencement of the solicitation by the registrant. In the June 1991 release, the Commission proposed to eliminate the requirement that a Schedule 14B be filed prior to commencement of a solicitation. Specifically, pursuant to the proposed amendments to Rule 14a-11(c), the Schedule 14Bs would be required to be filed by both management and insurgent participants within five business days following the commencement of a Rule 14a-11 solicitation or the filing of the preliminary proxy statement by each party, whichever is earlier.²⁹ The Commission further sought comment as to whether the requirement for filing a Schedule 14B should be eliminated, with the disclosure called for by that Schedule to appear in the proxy statement.³⁰

The Commission is repropounding the amendments to Rule 14a-11(c) in substantially the same form as initially proposed. Filing the Schedule 14B avoids burdening the proxy statement and other soliciting material with detailed disclosure such as employment history and trading in the issuer's securities extending back a number of years, while still making the information publicly available. The reproposal revises slightly the timing of the filing of a Schedule 14B to focus on the dissemination of the proxy statement, rather than the filing of the preliminary proxy statement. Under the reproposal,

²⁸ Rule 14a-11(c), 17 CFR 240.14a-11(c).

²⁹ A Schedule 14B presently must be on file with the Commission five business days prior to a solicitation by a person other than the registrant, and must be filed by each participant within five business days of a solicitation by the registrant. *Id.*

³⁰ Some commenters argued that many participants routinely included 14B information in their proxy statements without particular difficulty, whereas others maintained that such inclusion would clutter unduly the proxy statement and thereby render its contents more confusing to securityholders. If the Schedule 14B were retained, many of the commenters falling in the first group believed that the present disparity between the filing requirements for registrants and third parties should be eliminated. Others were unprepared to comment at all on the proposal, without full knowledge of all the proposals that would be prompted by the Commission's proxy review.

³¹ 15 U.S.C. 78n(d).

the Schedule 14B would be filed by both management and insurgent participants other than the registrant within five business days following each party's commencement of the solicitation or five business days prior to the dissemination of the definitive proxy statement by that party, whichever is earlier. Thus, the Schedule 14B would not need to be filed unless and until the filing party determined to proceed with the solicitation. The Commission requests comment on the continued need for the information currently required by Schedule 14B. Would it be appropriate simply to eliminate the schedule?

C. Public Access to Preliminary Proxy Materials

The Commission is reproposing amendments to Rule 14a-6(e) to eliminate the current non-public treatment of materials that would be filed in preliminary form. The proposal would conform the treatment of most preliminary proxy statements to that of a preliminary prospectus and Exchange Act periodic reports, and both expedite shareholder access to material information concerning the subject matter of the solicitation and allow for a more meaningful opportunity to respond to the proposed solicitation.

Commenters raised concerns that the inability to file business combinations or acquisitions on a confidential basis would adversely affect the timing of these transactions and thereby their costs, since they could not obtain Commission review of the offering documents while the participants were preparing for public announcement of the transaction. Accordingly, in response to these comments urging a need for optional confidentiality in the case of business combinations, the Commission is proposing to grant automatically, upon request, confidential treatment of preliminary soliciting materials with respect to transactional filings that are subject to Item 14 of Schedule 14A (Mergers, Consolidations, Acquisitions and Similar Matters), where the transaction had not yet been made public.³¹ The transaction would not be entitled to confidential treatment if it were a going private transaction subject to Rule 13e-3,³² or a roll-up transaction as defined in Rule 901(c) of Regulation S-K.³³ Given the affiliated nature of most of these transactions, the need for confidentiality appears significantly less compelling, and the benefits of disclosure concomitantly greater.

A corresponding amendment to Rule 14c-5(d)³⁴ is proposed to provide for public availability of preliminary information statements and to allow for confidential treatment of those statements under similar circumstances.

Comment is requested on the need for such a procedure for confidential treatment and whether the requirements for granting such request are adequate or unnecessarily onerous. Are there disclosures made pursuant to specified requirements other than Item 14 of Schedule 14A, that also should be afforded confidential treatment upon request?

D. Rule 14a-7

The Commission, after review of the comments on the proposed revision of Rule 14a-7, is modifying its original proposals to narrow those instances in which the registrant would not have the election to mail soliciting materials rather than produce a shareholder list. Under the reproposal, delivery of the list would only be mandated where the registrant had commenced a proxy solicitation subject to the Commission's roll-up rules or going private rule, or such transaction had been disclosed.³⁵ Based on substantial comment from the corporate community that rights to stockholder lists provided by state law generally provide dissident soliciting shareholders adequate access to the list, and abusive denial of rights to the list were minimal and addressable by the courts, the Commission proposes to continue to allow stockholders to rely principally on their state law rights to obtain the list. Because of the special status under the Commission's rules and investor protection concerns raised by roll-ups and going private transactions, the rule would provide access to the list in those situations. There should be no question of a shareholder's right to a stockholder list for purposes of communicating with other shareholders with respect to such transactions. Comment is requested on the proposed modification of the June 1991 proposal. Is it appropriate to eliminate the registrant's discretion to mail only in the case of roll-up and going private transactions?

Some commenters questioned the Commission's authority to require registrants to provide access to a shareholder list to a shareholder who seeks to oppose a management solicitation. Under Section 14(a) of the Exchange Act, the Commission is authorized to condition the solicitation

of proxies upon the soliciting party's compliance with rules and regulations adopted by the Commission as necessary and appropriate in the public interest, a standard applied against the general purposes of the enabling legislation. See *Mourning v. Family Publications Services, Inc.*, 411 U.S. 356 (1973); *Touche Ross & Co. v. SEC*, 609 F.2d 570 (2d Cir. 1979). While voting rights and the right to vote by proxy generally are determined by state law, federal regulation of the proxy solicitation process serves to make that right meaningful. As the Court of Appeals for the District of Columbia Circuit recently noted in *Roosevelt v. Du Pont De Nemours & Co.*, Congress enacted Section 14(a) to "bolster the intelligent exercise of shareholder rights granted by state corporate law."³⁶ Section 14(a) "shelters use of the proxy solicitation process as a means by which shareholders may become informed about management policies and may communicate with each other."³⁷ The court in *Roosevelt* determined that the ability "to communicate with other shareholders on matters of major import is a right informational in character, one properly derived from section 14(a) * * *."³⁸ Both as presently cast and proposed to be revised, Rule 14a-7 similarly is intended to provide eligible shareholders an effective means by which to communicate with other shareholders in the context of a solicitation of proxies by the issuer.³⁹

Several of the comment letters cite the *Business Roundtable* decision⁴⁰ as holding that the Commission is limited to disclosure matters in promulgating rules under Section 14(a) and assert that mandating delivery of a shareholder list falls within the sphere of corporate governance found to be off limits by the D.C. Circuit. Even though the court stated that "Congress' central concern was with disclosure" in adopting Section 14(a),⁴¹ it also admitted "that

³⁶ 958 F.2d 416, 418 (D.C. Cir. 1992). See *Medical Comm. for Human Rights v. SEC*, 432 F.2d 659 (D.C. Cir. 1970), vacated as moot, 404 U.S. 403 (1971) ("[i]t is obvious to the point of banality . . . that Congress intended by its enactment of Section 14 . . . to give true vitality to the concept of corporate democracy." 432 F.2d at 676; see also *J. I. Case Co. v. Borak*, 377 U.S. 428 (1964) ("[Section 14(a)] stemmed from the congressional belief that 'fair corporate suffrage is an important right that should attach to every equity security bought on a public exchange.' H.R. No. 1383, 73d Cong., 2d Sess. 13").

³⁷ *Roosevelt*, 958 F.2d at 421-22.

³⁸ *Id.* at 421.

³⁹ This applies to both an ongoing and intended solicitation.

⁴⁰ *The Business Roundtable v. SEC*, 905 F.2d 406 (D.C. Cir. 1990).

⁴¹ *Id.* at 410.

³¹ Proposed Rule 14a-6(e)(2).

³² 17 CFR 240.13e-3.

³³ 17 CFR 229.901(c).

³⁴ 17 CFR 240.14c-5(d).

³⁵ Proposed Rule 14a-7(b).

disclosure is not necessarily the sole subject of section 14," relying on both Senate and House reports indicating Commission authority to prescribe "the conditions under which proxies may be solicited." The court explained, "Congress acted on the premise that shareholder voting could work, so long as investors secured enough information and, perhaps, the benefit of other procedural protections."⁴² Clearly, assuring that a soliciting shareholder has the same ability as management to know to whom to direct their views on a matter that is the subject of a proxy solicitation, is not outside the informational and procedural protections intended by section 14(a).⁴³

1. General

The reproposal revises Rule 14a-7 to make clear that either a request for a stockholder list or mailing triggers a registrant's obligation under Rule 14a-7, even where the registrant may elect to mail.⁴⁴ The request need not reference Rule 14a-7. Once a request is made, the registrant must promptly advise the stockholder of its election under Rule 14a-7, and if a mailing is elected provide the required information with respect to the number of shareholders and costs of mailing within two business days.⁴⁵ Notwithstanding the applicability of Rule 14a-7, the shareholder would also have any rights to access to the list

provided under state law or by contract.⁴⁶

Rule 14a-7 would continue to apply only to requests from shareholders entitled to vote on the subject matter of the solicitation or at the meeting; accordingly, beneficial owners who are not entitled to vote under state law on the matter would have to obtain the cooperation of their recordholders. Comment is requested whether beneficial owners, even when not entitled to vote or execute a proxy in their own name, should be entitled to make a request under Rule 14a-7 without the assistance of the recordholder if proper documentation is provided.

2. Registrant's Election to Mail

The reproposal also would clarify that the rule requires the registrant to provide such information for, and undertake mailings to, subsets of shareholders. Thus, for example, a requesting shareholder could request mailing to those shareholders with the largest shareholdings that account for 60% of the outstanding shares eligible to vote.

The registrant will no longer be able to delay mailing the shareholders soliciting materials pursuant to Rule 14a-7 until the earlier of the anniversary date of the mailing of the prior year's proxy statement or the mailing of its own materials, as is currently permitted. The mailing must occur with reasonable promptness after the shareholder has delivered its soliciting materials, along with the necessary packaging and postage.⁴⁷

3. Certification to Obtain Shareholder List

As noted, a requesting shareholder would be required to submit to the registrant, along with its request, a certification by affidavit, declaration, affirmation or other similar document provided for under applicable state law, that the list would not be used for any purposes except to solicit other shareholders with respect to the same subject matter or meeting for which the registrant is soliciting or intends to solicit proxies and that the requestor will treat the information contained in

the list as confidential.⁴⁸ Certification will not be required where a shareholder requests a mailing, or where the registrant elects to mail.

Any actual use of a list obtained under proposed Rule 14a-7 that is inconsistent with the rule and certification would subject the offending shareholder to a potential Commission enforcement action, including civil injunctive or administrative proceedings and possible fines.

Commenters should address the costs and benefits of the proposed use certification requirement in its entirety, including whether this requirement would serve as an adequate safeguard against list misuse. Specific comment is sought as to whether the certification not only should be provided to the registrant, but also should be filed with the Commission.

Under about 20 state inspection statutes, it is a valid defense to an action for wrongful denial by the requesting shareholder that the latter has sold or misused the list within the previous two to five years from the date of request. Should Rule 14a-7 be amended to include a similar provision to preclude access by shareholders who have been found to have misused a list in the past, for example, five years? Comment further is requested on whether the shareholder should be required to return or destroy the list after a defined period.

4. List of Beneficial Owners and Related Issues

The June 1991 proposal would have revised the requirements with respect to the stockholder list to be provided under the rule to more closely parallel the information available under state law. The list required by current Rule 14a-7 falls far short of the information a shareholder could obtain under the laws and decisions of most states. For example, security holding and beneficial ownership information is commonly required under state law when reasonably available.⁴⁹ Improvements to

⁴² 905 F.2d at 410-411.

⁴³ A number of decisions reflect the "well recognized" principle of conflicts of law that regulation of access to shareholder lists is not a matter subject to the regulation of the internal affairs of the corporation properly left to the control of the chartering state. *Sadler v. NCR Corp.*, 928 F.2d 48, 55 (2d Cir. 1991). See 17 Fletcher Cyc Corp. § 2229, § 8434 (Perm Ed): 19 ALR 3d 869. In *Fleisher Development Corp. v. Home Owners Warranty, et al.*, 647 F. Supp. 661, 664 (1986), the D.C. Circuit concluded that "shareholders' or members' rights to inspect corporate books and records do not touch upon the internal affairs of a corporation where such books are within the jurisdiction of the reviewing court." See also *Donna v. Abbotts Dairies, Inc.*, 161 A.2d 13 (1960).

⁴⁴ See *In re The Krupp Companies*, Exchange Act Rel. No. 30566 (April 8, 1992). In the *Krupp* order, the Commission also stated that (footnote omitted):

Where a securityholder is deemed to have requested the list under both state and federal law, the registrant must promptly advise the requesting securityholder as to whether it will mail or provide a list under Rule 14a-7, and must not mislead the securityholder as to whether its rights to a list under state law have been affected by the registrant's actions under Rule 14a-7. Thus, care must be taken not to mislead the securityholder with respect to the comparability of the information to be provided under Rule 14a-7 and state law. Prompt compliance with Rule 14a-7 is required, even if a concurrent request has been presented to the issuer under state law.

⁴⁵ Proposed Rule 14a-7(a)(1).

⁴⁶ *Id.* This conclusion is simply demonstrated by cases holding that current Rule 14a-7, which grants the registrant the choice whether to deliver a list or mail for the securityholder, does not preempt state law and prevent a state from requiring the registrant to deliver the list upon demand. *First Surety Corp. v. Community Bank*, 337 F. Supp. 667, 670 (C.D. Cal. 1971); *Wood, Walker & Co. v. Evans*, 300 F. Supp. 171, 173 (D. Colo. 1969), *aff'd* 461 F.2d 852 (10th Cir. 1972).

⁴⁷ Proposed Rule 14a-7(a)(2)(f).

⁴⁸ Proposed Rule 14a-7(c).

⁴⁹ See, e.g., *Sadler v. NCR*, 928 F.2d 48 (2d Cir. 1991) (construing New York law); *Hatleigh Corp. v. Lane Bryant*, 428 A.2d 350 (Del. Ch. 1981) (court found that upon showing of a proper purpose, the requesting securityholder was entitled to the same lists and data relating to stockholders as was available to the corporation); *Burlington Industries, Inc. v. C.H. Masland & Sons*, No. 86-3295 (E.D. Pa. 1986) (the District Court for the Eastern District of Pennsylvania ordered the registrant to produce, pursuant to the Pennsylvania inspection statute, not only information concerning the beneficial owners of shares held by the central depository systems but also the names and addresses of all beneficial owners that had been identified by the registrant).

Continued

the list proposed in June are being repropounded, with one substantive change. Information with respect to beneficial owners will not have to be provided if it is not already in the possession of the registrant at the time of the request and is not otherwise compiled and used by the registrant during the course of its solicitation. In addition, the amended rule would require registrants to provide eligible requesting shareholders with the list information within five business days from the date of request.

A list of nonobjecting beneficial owners (NOBOs) or consenting beneficial owners (COBOs) normally would not include employees of the registrant or its affiliates.⁵⁰ Comment is requested whether the rule should be revised to require information concerning employees of the registrant or an affiliate participating in employee benefit plans to be included in the beneficial ownership information provided to the requesting shareholder, regardless of whether the registrant has elected to treat such holdings as exempt employee benefit plan securities.⁵¹ In addition, should shareholders receiving a NOBO/COBO list, as well as the registrant, be permitted to use the list to mail proxy materials directly to beneficial owners, so long as adequate disclosure is provided concerning the need for the recordholder to execute the proxy and proxy materials are sent separately to the recordholder?

A number of commenters expressed opposition to the disclosure of information regarding NOBO and COBO information. Concerns raised by some issuer organizations and other commenters included possible breach of confidentiality of the list, invasion of the beneficial holders' privacy by furnishing to third parties their names, addresses and security position information. A shareholder right of privacy has not been generally recognized by the state courts as a basis for an issuer to resist a proper shareholder list request. Judicial decisions under the laws of Delaware, New York, Nevada and Pennsylvania have specifically recognized a shareholder right of access to the NOBO list.⁵²

pursuant to Rule 14b-1(c); *Cenergy Corp. v. Bryson Oil and Gas P.L.C.*, 662 F. Supp. 1144 (Nev. 1987) (court ordered production of NOBO list and CEDE breakdowns in possession of the corporation and found that if allowed to shield the names of actual owners from other stockholders, management would have an unfair advantage in the proxy solicitation battle).

⁵⁰ See Rule 14a-13(b)(3), 17 CFR 240.14a-13(b)(3).

⁵¹ See Rule 14a-1(d), 17 CFR 240.14a-1(d).

⁵² See cases discussed *supra* n. 49. Rejecting an issuer's argument that the NOBO list should be

As noted above, the proposal has been revised to provide that a NOBO/COBO list will be required to be delivered under the revised rule only when it already has been procured by the issuer. Thus, the requestor will not bear any expense of compilation of that list, other than incidental costs in connection with the reproduction and delivery of the list. All other costs incurred in connection with the production of the shareholder list would be borne by the requesting shareholder.⁵³

As to the proposed "window period" for issuer list production, the five business-day period repropounded today is consistent with the delivery periods specified in most of the state statutes imposing such a requirement.⁵⁴

As under the current rule, the registrant would be required, at reasonable intervals, to provide requested updated information. However, the proposed rule would not require the registrant to provide the shareholder information more current than holdings as of the record date.⁵⁵

5. Disclosure of Registrant's Denial of Securityholder List Requests

At the suggestion of several commenters, in lieu of eliminating the registrant's option to mail soliciting materials rather than produce the list under Rule 14a-7, as proposed in June 1991, the Commission is proposing to amend the disclosure requirements of Schedule 14A and Schedule 14C to require disclosure of securityholder list requests that have not been satisfied at the time the proxy or information statement is disseminated to securityholders.⁵⁶ Those proposing this

withheld to preserve the beneficial owner's interest in confidentiality, the Delaware Chancery Court reasoned that "by allowing their names to appear on the NOBO list, the beneficial owners apparently decided that they would prefer to receive direct communications from the corporation. It is reasonable to assume that they would want the same type of direct contact on corporate matters from other stockholders." *Shamrock Associates v. Texas American Energy Corp.*, 517 A. 2d 658 (Del. Ch. 1986).

To the extent banks and broker-dealers are using forms to obtain a customer's preference with respect to disclosure of beneficial ownership that only seek consent to disclose the identity of the customer to the registrant, regardless of whether any revisions to Rule 14a-7 are adopted, the approach already followed by the state courts to this issue should cause those firms to review their forms to ensure that customers are aware that their names, addresses and holdings could be provided to persons other than the issuer.

⁵³ Proposed Rule 14a-7(e).

⁵⁴ E.g., Del. Code Ann. tit. 8, § 220(c), Mich. Comp. Laws Ann. § 450.1487, Pa. Stat. tit. 15 § 1508. *But see* Md. Corps. & Ass'n Code Ann. § 2-513 (20 calendar day period).

⁵⁵ Proposed Rule 14a-7(a)(2)(ii).

⁵⁶ Proposed Item 6(f) to Schedule 14A.

alternative as a means of preventing abusive denials of shareholder list requests suggest that the proposal will circumscribe management denial of list requests as a tactic to impede proper shareholder communications and will appropriately inform shareholders of management's attempts to preclude shareholder communications.

Under this proposal, the registrant would be required to disclose the name of the requestor, the reasons provided by the requestor for requesting the list, and the registrant's reasons for not complying with the request. To prevent a late list request from delaying the mailing of the registrant's proxy or information statement, only requests received 20 or more business days before the date of the statement need be disclosed in the proxy or information statement. Securityholder lists requests received after that date would be discussed in the next soliciting material provided to securityholders, or if none is disseminated, in the next proxy or information statement disseminated to shareholders by the registrant.

An instruction would provide that disclosure must be provided regardless of whether the list was requested under state, federal or common law or pursuant to contractual provisions. Where the registrant exercises its option under Rule 14a-7 to mail the requesting securityholder's materials in lieu of complying with a list request, that determination must be disclosed. Disclosure would not be required if a court has ruled that the registrant was not under an obligation to produce the list under state law or that the request was not properly made under Rule 14a-7.

Comment is requested on the appropriateness and utility of the proposed disclosure.

E. Announcements by Shareholders of Voting Decisions

The obligation to comply with the proxy rules often will turn on whether the communication falls within the definition of "solicitation" under those rules. See Rule 14a-1(f), 17 CFR § 240.14a-1(f). Questions have arisen whether public announcements by shareholders of how they intend to vote along with an explanation for that vote constitute proxy solicitations. Indeed, some fiduciaries believe it appropriate or necessary to disclose to the public and their beneficiaries how the fiduciary will vote the securities on significant issues.

In order to clarify that such announcements are not proxy solicitations subject to the proxy rules,

the Commission is proposing to amend the definition of solicitation to exclude public announcements by shareholders of how they intend to vote on a particular matter or matters and the shareholder's reasons for that vote. This exclusion from the definition of solicitation would only be applicable if the shareholder was not otherwise soliciting proxies.

F. Proxy Statement Delivery Requirements—Amendments to Rule 14a-12

Rule 14a-3(a)⁵⁷ provides that no solicitation may be made unless each person solicited is concurrently furnished or has previously been furnished with a written proxy statement. Exemptions to this proxy statement delivery requirement are provided in Rule 14a-11(d) and 14a-12.⁵⁸ Rule 14a-11(d) permits the solicitation process in election contests to begin prior to the delivery of a proxy statement, so long as no proxy card is provided, certain background information concerning the participants is disclosed and a proxy statement is provided to shareholders as soon as practicable. There is no restriction on the content of such communications, other than that imposed by the antifraud provisions of Rule 14a-9. Subject to similar requirements, Rule 14a-12 allows for the commencement of a solicitation in non-election contest matters, prior to delivery of a proxy statement to solicited persons, where an opposing solicitation or other publicized activity threatens to frustrate a planned solicitation.

The Commission is proposing to amend Rule 14a-12 to extend the current exceptions to the proxy statement delivery requirements of Rule 14a-3(a) for contested matters to all solicitations, eliminating the exclusion for election contests and the requirement that the solicitation be made in response to an opposing solicitation or other publicized activity that could frustrate a planned solicitation. Rule 14a-11(d) and the filing requirement under Rule 14a-11(e) would be rescinded as no longer necessary in light of the applicability of revised Rule 14a-12 to election contests. The existing requirements of Rule 14a-12 prohibiting delivery of a form of proxy, and mandating disclosure of background information and the delivery of a proxy statement to all persons solicited as soon as practicable will be retained. In addition, as discussed above, soliciting materials disseminated pursuant to

revised Rule 14a-12 would not have to be filed in preliminary form and precleared by the Commission staff.

G. Amendment of Proxy Statement Delivery Requirement To Facilitate General Broadcast or Publication of Soliciting Materials

Currently, the proxy delivery rule has been interpreted to require delivery of a proxy statement to all shareholders where a soliciting party publishes soliciting material in a newspaper or broadcasts such material. The publication or broadcast is viewed as a solicitation delivered to all shareholders. This application of the proxy statement delivery rule can, because of the prohibitive costs, foreclose use of public media by those financing a solicitation with their own funds. The effect of the rule may in fact be to curtail widespread dissemination of the dissenting shareholder's views. To address this often prohibitive burden on published or broadcast solicitations, the Commission is proposing to amend the proxy statement delivery requirement to provide that a solicitation by means of a speech, publication in newspapers, magazines and other publications (including press releases) or broadcasts would not in and of itself trigger the proxy statement delivery requirement, so long as a definitive proxy statement relating to the solicitation is on file with the Commission⁵⁹ at the time the solicitation is published,⁶⁰ broadcast or the speech is made and no form of proxy is provided in connection with the speech, publication or broadcast.⁶¹

Unlike the proposed modifications to Rule 14a-12 which would apply only where the soliciting party has not delivered a form of proxy to shareholders, the proposed modification of the proxy delivery rule would apply throughout the proxy solicitation period. The modification would simply permit a soliciting party to publish in the press or broadcast a solicitation without automatically triggering a proxy statement delivery requirement to every shareholder—the costs of which could run into the hundreds of thousands of dollars. The modification would not diminish the proxy statement delivery

requirement where a form of proxy is provided in connection with the speech, publication or broadcast, or where a solicitation is otherwise communicated. The solicitation would continue to be subject to antifraud prohibitions. Delivery of a form of proxy to a shareholder would still have to be accompanied or preceded by delivery of a proxy statement to such shareholder.

H. Enhanced Disclosure Regarding Voting Results and Vote Tabulation Policies

1. Voting Results

The Commission is proposing additional amendments designed to enhance disclosure regarding the results of a shareholder vote. Currently, Item 4(c) of Form 10-Q⁶² and Form 10-K,⁶³ respectively, require disclosure of voting results only with respect to contested elections and certain other matters, and, in such instances, disclosure is limited to the number of affirmative and negative votes cast. Since the adoption of Item 4(c) 40 years ago,⁶⁴ shareholder interest in more particularized information on voting results has increased, particularly with respect to abstentions and withheld votes.⁶⁵ Today, a particular voting decision often is intended to send an explicit message to the registrant's board of directors. For example, certain large institutional shareholders have announced recently a policy of withholding votes on an uncontested management slate and publicizing that fact to express dissatisfaction with management's policies or practices.⁶⁶ Information regarding withheld votes may be of particular interest in an uncontested election since, in this instance, withholding a vote may be one of the few means of expressing disagreement

⁵⁷ 17 CFR 240.14a-3(a).

⁵⁸ 17 CFR 240.310.

⁵⁹ Exchange Act Release No. 4698 (March 17, 1952), originally adopted as Item 14 to Form 8-K, transferred to Form 10-Q in Exchange Act Release No. 13156 (January 13, 1977), and incorporated into Form 10-K in Exchange Act Release No. 18524 (March 3, 1982).

⁶⁰ See generally Heard, *Institutional Investors: Active Institutions Sharpen Their Focus for 1992*, *Insights* at 18 (December 1991); Reed, *The Tabulation of Abstentions in Proxy Voting*, *Insights* 14 (December 1991); J. Grundfest, "Just Vote No or Just Don't Vote," Presentation before the Fall Meeting of the Council of Institutional Investors (Washington, D.C., November 7, 1990).

⁶¹ See Wharton, *Just Vote No*, *Harv. Bus. Rev.* 139 (November-December 1991) (Chairman and CEO of America's largest institutional investor, TIAA-CREF, announced adoption of such a policy). CalPERS also has employed this policy (see Heard, *Institutional Investors: Active Institutions Sharpen Their Focus for 1992*, *Insights* at 18 (December 1991)), as has the California State Controller (see *Director's Monthly* at 11 (March 1992)).

⁵⁷ 17 CFR 240.14a-3(a).

⁵⁸ 17 CFR 240.14d-11(d) and 17 CFR 240.14a-12.

⁵⁹ Proposed Rule 14a-3(f).

⁶⁰ Such publication, broadcast or speech could be made without the proxy statement on file pursuant to proposed Rule 14a-12. The Schedule 14B filing requirements under the proposed revisions to Rule 14a-11(c) would also be triggered in an election contest by a solicitation pursuant to proposed Rule 14a-3(f).

⁶¹ Thus, for example, publication of a form of proxy would preclude reliance on the exception as would a broadcast that instructed listeners on how to provide a proxy by telephone, Telex, datagram or other similar means.

with management. Many corporations themselves have recommended this tactic as an effective means of communicating shareholder concerns to the board.

To provide shareholders with more complete disclosure regarding voting results, Item 4(c) of Forms 10-Q and 10-K would be amended to require disclosure of the number of votes cast for, against or withheld (elections), or as abstentions, as well as non-votes, as to each matter presented for a shareholder vote, including both contested and uncontested elections of directors. The information would have to be provided with respect to each nominee. A specific explanation would be required of how votes falling within each category have been tabulated by the registrant. The item also clarifies that disclosure of the outcome of the vote must be reported in the periodic report covering the period during which the vote was taken. This will facilitate locating such information.

2. Vote Tabulation Policies and Procedures

Given the diverse state law approaches to proxy tabulation, particularly with respect to abstentions and broker non-votes,⁶⁷ the Commission also proposes to amend Item 21 of Schedule 14A to clarify the disclosure required of the manner in which proxy votes will be counted, including the treatment and effect of abstentions and non-votes both under state law and registrant charter/by-law provisions.⁶⁸ This amendment codifies current Commission interpretation under Item 21. The revised item, however, would be extended to the election of directors, unlike the current requirement. Such disclosure is intended to inform shareholders of the consequences of voting in a particular manner under state law, including where true that an abstention or non-vote could have the

same effect as a "no vote" in the tabulation of the proxies.⁶⁹ The disclosure of the effect of an abstention or a non-vote must be clearly and concisely set forth, and not obscured by obtuse legalistic boilerplate.

I. Presentation of Matters on the Form of Proxy

Rule 14a-4(a) provides that the form of proxy shall identify each matter or "group of related matters" intended to be acted upon. Rule 14a-4(b)(1) requires that the form of proxy provide an opportunity to specify by boxes a choice between approval or disapproval of, or abstention with respect to, each matter or "group of related matters." Where a registrant or other party expressly conditions the adoption of one matter on the approval of other matters, the matters have not been required to be separately set forth on the form of proxy. Such an approach has been viewed as causing shareholders to approve matters they might not if presented independently.

To address the disclosure concerns presented by the practice of bundling related matters, the Commission is proposing to amend Rule 14a-4(a) and 14a-4(b)(1) to require the form of proxy to set out each matter in a group of related matters separately on the form of proxy to allow for a separate vote on each matter.⁷⁰ The proposal is intended to permit shareholders to act on each matter to be approved. It furthers the purposes underlying Rule 14a-4(b)(1), to allow shareholders to vote for, against or abstain on each matter presented, and not have the soliciting party determine the shareholder's choices. Since the legal effect of a matter approved by shareholders generally is a question of state law, the proposal would not prohibit the soliciting party from conditioning the effectiveness of any proposal on the adoption of one or

more other proposals, if permitted by state law. In such case, appropriate disclosure would be required to advise shareholders that a vote against one proposal could have the effect of a vote against the group of mutually conditioned proposals.

J. Bona Fide Nominees—Proposed Amendment to Rule 14a-4

The difficulty experienced by shareholders in gaining a voice in determining the composition of the board of directors has been highlighted by a number of comment letters and proposals, as well as congressional proposals for expanded shareholder access to management proxy statements for the purpose of nominating director candidates. These proposals are based on the perception that currently the board of directors is picked by management and therefore does not allow for truly independent representation of shareholder interests. One answer to complaints about the asserted closed nomination process has been that shareholders are always free to nominate and solicit proxies in favor of their own candidates.

Some have contended that obtaining minority representation on the board allows for a form of "constructive engagement" without necessitating a change of control of the corporation.⁷¹ The proxy rules, it has been asserted, are a principal impediment to shareholders seeking such minority representation. A party seeking to nominate less than a majority of a board where the entire board is up for election and solicits proxies to vote for such nominees is, in effect, running a "short slate." However, shareholders may be unwilling to execute a proxy that does not contain authority to vote for all seats up for election, absent cumulative voting, since the shareholder would not be exercising its full voting power. State law generally provides that a later-dated proxy revokes all prior proxies, at least with respect to the same subject matter. Therefore, under state law a shareholder can be prevented from executing both insurgent and management proxies to vote for that mix of board nominees it wishes to serve.⁷²

⁷¹ See, e.g., Gilson & Kraakman, *Reinventing the Outside Director: An Agenda for Institutional Investors*, 43 Stan. L. Rev. 401 (1991).

⁷² See *Concord Financial v. Tri-State Motor Transit Co. of Delaware*, 567 A.2d 1, 8 (Del. Ch. 1989). A well developed body of law examining this area holds that in determining the validity of proxies, inspectors of an election must reject all identical but conflicting proxies when the conflict cannot be resolved from the face of the proxies.

Continued

⁶⁷ In two instances, a shareholder will be deemed present at the meeting for quorum purposes, but will be deemed not to have voted on a particular matter. First, the shareholder may specifically abstain from the vote by registering an abstention vote. Second, a nominee holding shares for beneficial owners may have voted on certain matters at the meeting pursuant to discretionary authority or instructions from the beneficial owners, but with respect to other matters may not have received instructions from the beneficial owner and may not exercise discretionary voting power. Such unvoted shares are termed "non-votes."

⁶⁸ In some states, corporations can alter the state law approach to proxy tabulation by certificate of incorporation or by-law amendment. A recent survey by the Investor Responsibility Research Center indicates that companies vary widely in their treatment of abstentions and broker non-votes when calculating the percentage of the vote that shareholder proposals receive. See Reed, *The Tabulation of Abstentions in Proxy Voting*, Insights (December 1991) at 16.

⁶⁹ For example, in states adopting Section 7.25 of the Revised Model Business Corporation Act, there is a statutory presumption that a proposal passes if it receives a majority of votes cast for or against a proposal, so long as a quorum is present at the meeting. See, e.g., Florida (Fla. Stat. Ann. § 607.0727) and New York (N.Y. Bus. Corp. Law § 614). Under this approach, abstentions and non-votes have no effect on the vote. Other states require that a majority of the quorum vote in favor of a proposal for it to pass. See, e.g., Ala. Code § 10-2A-52. Under this approach, abstentions and non-votes have the effect of a vote against a proposal. Delaware has adopted a hybrid of these approaches pursuant to which abstentions are treated as votes against a proposal and non-votes have no effect on the vote. See Del. Code Ann. tit. 8, § 216; *Berlin v. Emerald Partners*, 552 A.2d 482 (Del. 1988).

⁷⁰ In addition to providing separate boxes, the form of proxy could afford shareholders an opportunity to mark a single box for, against, or abstain with respect to a specified group of proposals.

To solve this problem, a soliciting shareholder may wish to round out its slate by including the names of persons nominated on management's slate. Here, the Commission's proxy rules erect the unnecessary impediments. Rule 14a-4(d) prohibits the listing on a form of proxy of the names of persons who are not "bona fide nominees," that is, persons who have consented to be named in the proxy statement of the soliciting party and to serve if elected.⁷³ Rarely, if ever, do management nominees consent to be named by insurgents. That rule has the effect of depriving shareholders of the opportunity to vote for one or more management nominees on an insurgent's card in a short slate situation, since those persons have not consented to be named in the insurgent's proxy statement. Therefore, while a dissident may desire only to have minority representation on the board of directors, the present legal framework makes this extremely difficult and, in fact, encourages an all-or-none approach to election contests.

The Commission is proposing to address this problem by amending the bona fide nominee rule to permit a person soliciting proxies to vote for a minority of the board consisting of non-management nominees to provide shareholders an opportunity to vote for certain or all of management's nominees. This change will permit insurgents to choose management nominees to round out their slates in seeking minority representation. The form of proxy provided by a dissident would be required to list separately management nominees. Where, however, an insurgent seeks to vote proxies for a majority of the board consisting of non-management directors, and thereby obtain control of the board, the requirement for specific nominee consent to be named and serve will continue. For those insurgents seeking control of the board of directors, it does not appear unduly burdensome that they should have to propose a full slate of

nominees or bear the obligation to disclose the consequences to shareholders of using the proxy to vote for a short slate.⁷⁴

The proposed amendment to Rule 14a-4(d) would continue to address the apparent underlying concerns of the bona fide nominee rule—that shareholders not be induced to vote for an unnamed nominee or waste their votes on persons, such as a public figure, who may be named by a dissident slate, but who has not consented to serve and would not serve. Furthermore, a management nominee who would not serve if dissidents were elected to the board, even if the latter were to occupy a minority position, could disclose that intention to shareholders. Thereafter, shareholders could assess this information before making a decision whether to vote for that nominee.

III. Shareholder Analysis of Management Performance

The Commission is publishing for public comment a proposal that is the subject of a petition for rulemaking submitted by Edward V. Regan, Comptroller of the State of New York.⁷⁵ The proposal would allow shareholders in specified circumstances to require management to include in its annual proxy statement relating to the election of directors, a statement expressing views on the performance of the company, its management and the board of directors.⁷⁶ The procedure would apply to information statements under Section 14(c) of the Exchange Act as well.⁷⁷ In publishing the proposal for comment, the Commission has made several revisions in the eligibility and procedural provisions that it believes necessary for public consideration.

Under the proposal, any person or group of persons who has held one-half of a percent or more of the voting power of the stock of the corporation for three or more years would be eligible to submit a statement to be included in the company's proxy statement relating to

the election of directors, setting forth their views on long-term company performance and the effectiveness of management in promoting the long-term interests of the corporation and its shareholders.⁷⁸ The statement could be submitted by a group of shareholders, so long as each member has held the securities for the requisite three years. There would be no limit on the number of shareholders that could constitute a group for the purpose of meeting the one-half percent ownership requirement. Solicitations of shareholders to support the statement would not be subject to the proxy rules (other than Rule 14a-9). Written material seeking sponsorship would be submitted to the Commission under the cover of a Notice Form 14.⁷⁹ Shareholders would not be deemed a section 13(d) group merely on the basis of their sponsorship of the statement.

Under the proposal, the statement would be limited to 700 words, not counting any tables, charts or graphs.⁸⁰ There would be no limit on management's response to a submitted statement. The statement would be submitted 120 days prior to the anniversary of the mailing of the registrant's most recent proxy statement relating to an annual meeting.⁸¹ Only three statements received by that date would need to be included; if more than three were submitted, three would be chosen by lot after removing any statements by persons who have had statements included in the last three years.⁸² The procedure would not be available in election contests involving two or more opposition nominees.⁸³

Comment is requested on the proposal and the appropriateness or necessity for providing access to the company proxy statement for such statements. In view of the size of the investment that would be required under the proposed 1/2 of 1% standard,⁸⁴ comment is specifically

⁷³ Proposed Rule 14a-X(b). Determinations by the registrant to exclude a statement would be subject to judicial review in an action by the sponsor or in a Commission enforcement action. See *Roosevelt v. Du Pont De Nemours & Co.*, 958 F.2d at 418.

⁷⁴ Proposed Rule 14a-X(i). The party soliciting support, however, need not meet the eligibility requirements of proposed exemptive Rule 14a-2(b)(1).

⁷⁵ Proposed Rule 14a-X(f)(1).

⁷⁶ If the proxy statement relates to a special meeting or a consent solicitation for the election of directors, the proposal would require submission of the statement a reasonable time before the solicitation.

⁷⁷ Proposed Rule 14a-X(g)(2).

⁷⁸ Proposed Rule 14a-X(g)(1).

⁷⁹ This standard would require an investment of \$376.5 million in Exxon Corporation, \$320 million in General Electric, \$259 million in IBM, \$107.2 million in Ford Motor Company, \$12.7 million in CBS, Inc.

themselves or from the regular books and records of the corporation.

Williams v. Sterling Oil of Oklahoma, Inc., 273 A.2d 264, 265 (Del. 1971) quoted in *Parshalle v. Roy*, 567 A.2d 19, 23-24 (Del. Ch. 1989). See also Cornwell, Palenchar, Segal & Stevens, "Splitting Votes in Proxy Contests," 25 *Securities & Commodities Regulation* 89 (April 1992); "Corporations: Power of Inspectors of Election Relating to Irregular or Conflicting Proxies," 44 ALR 3d (1943).

Attempts to reconcile multiple proxies in order to "mix and match" slates by providing for "partial revocations" of earlier proxies have proven cumbersome and confusing. See Proxy Statement filed by NYCOR, Inc. with respect to Zenith Corp., dated March 11, 1991. The validity of such an approach is generally a question of state law.

⁷³ Rule 14a-4(d)(4), 17 CFR 240.14a-4(d)(4).

⁷⁴ The required disclosure includes whether the remaining seats are likely to be vacant or filled by management nominees (often depending on whether the vote requirement for the election of directors is a plurality or majority of votes cast) and that certain management nominees may not serve if elected to an insurgent-controlled board. In addition, any plan to fill any such vacancies on the board must be disclosed.

⁷⁵ Copies of the proposal, submitted under a cover letter from Mr. Regan to Chairman Breeden, dated March 18, 1992, are available for inspection and copying in the Commission's Public Reference Room [(202) 272-7450; File No. S7-22-91].

⁷⁶ Proposed Rule 14a-X(a).

⁷⁷ 15 U.S.C. 78m (c). See Proposed Item 5 to Schedule 14C.

sought on the appropriateness of the size requirement for shareholdings. If the proposal were implemented by the Commission, should the requisite holding be lowered, or should there be an alternative dollar threshold, for example \$10 million or \$100 million? Should the required holding period be changed to one, two or five years?

IV. Request for Comments

Any interested person wishing to submit written comments on the proposed revisions to the Commission's proxy rules, as well as on other matters that might have an impact on the proposals contained herein, are requested to do so. The Commission also requests comment on whether the proposed rules, if adopted, would have an adverse impact on competition or would impose a burden on competition that is neither necessary nor appropriate in furthering the purposes of the Exchange Act. Comments on this inquiry will be considered by the Commission in complying with its responsibilities under section 23(a) of the Exchange Act.⁸⁵

V. Cost-Benefit Analysis

To evaluate the benefits and costs associated with the proposed amendments to Exchange Act Rules 14a-1(f), 14a-2(b), 14a-3, 14a-4, 14a-6, 14a-7, 14a-11, 14a-12, 14c-5, Schedules 14A and 14C and Forms 10-K and 10-Q under the Exchange Act, the Commission requests commenters to provide views and data as to the costs and benefits associated with amending the filing and disclosure requirements for proxy soliciting materials and information statements. The proposed exemption for communications with shareholders, the modification of the proxy statement delivery requirements and the elimination of requirements to file proxy soliciting materials in preliminary form in specified circumstances, and the facilitation of short slates should reduce costs significantly for persons who meet the requirements of the amendments. While the Rule 14a-7 requirement to deliver a shareholder list in the case of transactions subject to commission roll-up or going private rules and the enhanced disclosure requirements will impose new minimal costs, those costs should be justified by the benefit of informed decisionmaking by shareholders. The Commission also requests that commenters provide views and data concerning the costs and benefits of amending Rule 14a-7 and the disclosure requirements in Forms 10-K

and 10-Q, as well as Schedules 14A and 14C and Notice Form 14.

Comments also are requested on the effects of all the proposals on the costs to be incurred by small entities.

VI. Initial Regulatory Flexibility Analysis

This initial regulatory flexibility analysis concerns proposed amendments to provisions of Rules 14a-1(f), 14a-2(b), 14a-3, 14a-4, 14a-6, 14a-7, 14a-11, and 14a-12, as well as Schedules 14A and 14C and Forms 10-K and 10-Q. The analysis has been prepared by the Commission in accordance with The Regulatory Flexibility Act.⁸⁶

1. Reasons For and Objectives of the Proposed Action

A proposed amendment to Rule 14a-2(b) would create an exemption for communications with shareholders from the proxy statement filing and delivery requirements of the proxy rules, where the person soliciting is not seeking proxy authority and does not have a substantial interest in the matter subject to a vote and is not acting on behalf of a nonexempt person.⁸⁷ No proxy statement will be required to be filed and disseminated; however, public notice of the soliciting activity will be required through publication or the submission of soliciting materials, accompanied by a notice with the Commission containing the information specified in Notice Form 14. The objective of this amendment is to eliminate unnecessary impediments to routine communications and consultations by shareholders with respect to matters presented by the registrant or a third party for shareholder action.

Proposed amendments to Rules 14a-6, 14a-11 and 14a-12 would allow solicitation materials other than the proxy statement and form of proxy, whether disseminated prior to or subsequent to the dissemination of the written proxy statement, to be filed with the Commission in definitive form at the time of dissemination,⁸⁸ and to make the preliminary proxy statement available for public inspection when filed except under specified circumstances when confidential treatment is requested.⁸⁹ The purpose of these proposed amendments is to reduce the costs and other burdens incurred by persons engaged in non-exempt solicitations, subject to the Rule 14a-9 proscriptions against false and misleading statements.

The proposed amendments also are intended to reduce administrative costs incurred by the Commission in processing this material.

A proposed amendment to Rule 14a-7 would require registrants, in the case of transactions subject to the Commission roll-up or going private rules, to provide shareholders, upon written request and satisfaction of certain conditions, copies of its list of shareholder names, addresses and position listings, as well as any list of non-objecting or consenting beneficial owners where in the possession of the registrant.⁹⁰ The purpose of this amendment is to facilitate dissemination of material information to shareholders in those situations where there is a well-recognized risk of overreaching of nonaffiliated shareholders. Registrants would be required to disclose if they have denied access to a list, as a means to alert shareholders to possible abusive denials.

A proposed amendment to Rules 14a-11 and 14a-12 and Rule 14a-3 would expand the class of solicitations that can commence prior to the dissemination of the proxy statement⁹¹ and exempt opinions and views conveyed by publication, broadcast or a speech from the proxy statement delivery requirements.⁹² These proposals are intended to significantly lower the costs and expedite soliciting efforts by shareholders and registrants alike.

A proposed amendment would enhance disclosure regarding voting results currently contained in Forms 10-K and 10-Q and vote tabulation policies currently disclosed under Item 21 of Schedule 14A.⁹³ The purpose of this amendment is to alert shareholders to material facts with respect to the results of a shareholder vote and the effect of proxies voted as abstentions, withheld votes, and non-votes.

A proposed amendment to Rule 14a-4(a) and (b)(1) would require that the form of proxy set forth each matter to be voted upon separately to allow shareholders to vote individually on each matter. The purpose of this proposal is to further shareholder understanding of the effect of a proxy vote with respect to a group of related matters and to allow shareholders to express their preference on each matter.

A proposed amendment to Rule 14a-4(d) would allow dissenting shareholders seeking minority

⁸⁵ 5 U.S.C. §§ 601 *et seq.*

⁸⁷ See Section II.A., *supra*.

⁸⁸ See Section II.B., *supra*.

⁸⁹ See Section II.C., *supra*.

⁹⁰ See Section II.D., *supra*.

⁹¹ See Section II.F., *supra*.

⁹² See Section II.G., *supra*.

⁹³ See Section II.H., *supra*.

⁸⁶ 15 U.S.C. § 78w(a).

representation on the board of directors to include names of management nominees on their form of proxy. The purpose of this amendment is to facilitate efforts by shareholders to obtain minority representation on the board of directors.⁹⁴

A proposed amendment to require registrants to include the statement of significant, long-term shareholders on specified subjects in the proxy statement disseminated by the registrant in connection with annual meetings for the election of directors. The purpose of the amendment is to provide better disclosure to shareholders concerning the long-term performance of the company, its management and board of directors.

2. Legal Basis

The amendments are being proposed pursuant to sections 3(b), 13(a),⁹⁵ 14,⁹⁶ and 23(a)⁹⁷ of the Exchange Act.

3. Small Entities Subject to the Rule

The Commission has adopted definitions of the term "small entity" for the various entities subject to Commission rulemaking. Only two of these definitions are relevant for purposes of the proposed amendment. Rule 0-10⁹⁸ under the Exchange Act provides that "small businesses" include an issuer, other than an investment company, that has total assets of \$5 million or less as of the end of its most recent fiscal year. As of June 1992, approximately 900 of these entities are registrants subject to the proxy rules. The proposed amendments to the shareholder list requirements and the amended disclosure requirements should not impose any significant new costs on registrants. In addition, proposals to lower the costs of compliance with the proxy rules by persons engaging in non-exempt solicitations, should result in a significant net decrease in regulatory costs.

Since any person who solicits proxies with respect to a registrant's securities also is subject to the proxy rules, a number of persons that are small entities are subject to the rules on this basis. The proposed amendments should result in significant savings from the costs incurred under the current rules for soliciting activities by small entities. Many solicitations by persons other than the registrant will be excepted from all the proxy rules other than the

antifraud provisions and will be only required to submit to the Commission all written material used in the solicitation and a Notice Form 14, disclosing an intent to rely on the exception. These persons would not have to prepare, file and disseminate a proxy statement meeting the requirements of Schedule 14A. Other proposed amendments would allow solicitations by any party to commence without requiring the party to concurrently deliver a proxy statement or deliver a proxy statement to all shareholders.

Other parties who are subject to the proxy rules include investment companies. An investment company is a "small business" if it has net assets of \$50 million or less as of the end of its most recent fiscal year.⁹⁹ By this definition, "small business" investment companies will be subject to the proposed amendments. However, many classes of "plain vanilla" proxy statements may now be filed in definitive form. Therefore, it is believed that few small business investment companies would be directly affected by this rule. For those involved, however, it is believed that the economic burden would be decreased. As with other registrants, these entities should benefit from the relaxation of the proxy statement requirements and the shareholder list and statement requirements should not impose new significant costs.

4. Reporting, Recordkeeping and Other Compliance Requirements

The proposed amendments to Rules 14a-1(f), 14a-2(b), 14a-3, 14a-4, 14a-6, 14a-7, 14a-11, 14a-12, and 14c-5, Schedule 14A and 14C and Forms 10-K and 10-Q would not result in any significant increase in reporting, recordkeeping or compliance requirements. Proposed amendments to exempt solicitations from the proxy statement delivery requirements, to reduce or eliminate the preliminary filing requirements, and to eliminate non-public filing of all proxy soliciting materials, would result in a net diminution of reporting and other compliance requirements for all entities that qualify for the exclusions.

5. Overlapping or Conflicting Federal Rules

The proposed amendment would not overlap or conflict with any existing federal rule provisions.

6. Significant Alternatives

Significant alternatives to the proposed amendments to Rules 14a-1(f),

14a-2(b), 14a-3, 14a-4, 14a-6, 14a-7, 14a-11, and 14a-12 could include amending the definition of solicitation to exclude a broad class of communications from all provisions of the proxy rules. This approach, however, would result in the antifraud provisions of the proxy rules no longer being applicable to statements that are made with the purpose of influencing shareholder voting. The Commission could also increase the classes of proxy statements that may be filed in definitive form. While the Commission is requesting further comment on this alternative, it has determined to maintain the current preliminary filing requirements, although the public will be granted access to those materials in most instances when they are filed. In addition, as the Commission had previously proposed, persons eligible to use the communication exception for written solicitations could be excepted from all filing requirements. However, many commenters suggested in response to the initial proposal, that absent public notice of these soliciting activities, the registrant, other shareholders and the market could be deprived of material information.

Alternatives to the proposed amendment to the proposed bona fide nominee rule and the required statements on management performance could include greater shareholder access to the registrant's proxy statement, including with respect to nominations and election of directors. Those alternatives would likely impose more significant costs on registrants.

Therefore, the Commission believes that there is no less restrictive alternative to the proposed rule amendments that would serve the purposes of the securities laws. However, the Commission will receive comments on each of the above-mentioned proposals prior to final rulemaking.

7. Solicitation of Comments

The Commission encourages the submission of written comments with respect to any aspect of the initial regulatory flexibility analysis. Such written comments will be considered in the preparation of the final regulatory flexibility analysis if the proposed rules are adopted. Persons wishing to submit written comments should file them with Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. All submissions should refer to File No. S7-15-92. All comments received will be available for public inspection and copying in the Commission's Public

⁹⁴ See section II.J., *supra*.

⁹⁵ 15 U.S.C. 78m(a).

⁹⁶ 15 U.S.C. 78n.

⁹⁷ 15 U.S.C. 78w(a).

⁹⁸ 17 CFR 240.0-10.

⁹⁹ 17 CFR 170.0-10.

Reference Room, 450 Fifth Street, NW., Washington, DC 20549.

VII. Statutory Basis

The amendments to the proxy rules are being proposed by the Commission pursuant to sections 3(b), 13, 14 and 23(a) of the Securities Exchange Act of 1934.

List of Subjects in 17 CFR Parts 240 and 249

Reporting and recordkeeping requirements, Securities.

VIII. Text of Proposals

In accordance with the foregoing, title 17, chapter II of the Code of Federal Regulations is proposed to be amended as follows:

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

1. The authority citation for part 240 continues to read as follows:

Authority: 15 U.S.C. 77c, 77d, 77g, 77j, 77s, 77eee, 77ggg, 77nnn, 77sss, 77ttt, 78c, 78d, 78i, 78j, 78l, 78m, 78n, 78o, 78p, 78s, 78w, 78x, 7811(d), 79g, 79t, 80a-20, 80a-23, 80a-29, 80a-37, 80b-3, 80b-4, and 80b-11, unless otherwise noted.

2. By amending § 240.14a-1 (Rule 14a-1)(l) to revise paragraph (l)(2) thereof to read as follows:

§ 240.14a-1 Definitions.

(l) *Solicitation.* * * *

(2) The terms do not apply, however, to:

(i) The furnishing of a form of proxy to a security holder upon the unsolicited request of such security holder;

(ii) The performance by the registrant of acts required by § 240.14a-7;

(iii) The performance by any person of ministerial acts on behalf of a person soliciting a proxy; and

(iv) The public announcement by a security holder not otherwise soliciting a proxy that does no more than state how that security holder intends to vote and the reasons therefor.

3. By amending § 240.14a-2 to revise the introductory text of paragraph (b); to redesignate paragraphs (b)(1) and (b)(2) as paragraphs (b)(2) and (b)(3), respectively; and to add new paragraph (b)(1) to read as follows:

§ 240.14a-2 Solicitations to which §§ 240.14a-3 to 240.14a-14 apply.

(b) Sections 240.14a-3 to 240.14a-6 (other than 14a-6(g) as pertinent), 240.14a-8, and 240.14a-10 to 14a-14 do not apply to the following:

(1) Any solicitation by or on behalf of any person who does not seek directly or indirectly, either on its own or another's behalf, the power to act as proxy for a security holder and does not furnish or otherwise request, and does not act on behalf of a person who furnishes or requests, a consent or authorization for delivery to the registrant. *Provided, however,* that the exemption set forth in this paragraph shall not apply to:

(i) The registrant, an officer, director, affiliate, or associate of the registrant, or any person serving in a similar capacity;

(ii) An affiliate of a person ineligible to rely on the exemption set forth in this paragraph, and any officer, director or associate of such ineligible person, or any person serving in a similar capacity;

(iii) Any nominee for whose election as a director proxies are solicited;

(iv) Any person soliciting in opposition to a tender offer, merger, recapitalization, reorganization, sale of assets or other extraordinary transaction recommended or approved by the board of directors of the registrant who is proposing or intends to propose an alternative transaction to which such person or one of its affiliates is a party;

(v) Any person who is required to report beneficial ownership of the registrant's equity securities on Schedule 13D [§ 240.13d-101], unless such person has filed a Schedule 13D and has not disclosed pursuant to Item 4 thereto an intent, or reserved the right to, engage in a control transaction, including a contested solicitation for the election of directors;

(vi) Any person who receives compensation from an ineligible person directly or indirectly related to the solicitation of proxies;

(vii) Where the registrant is an investment company registered under the Investment Company Act of 1940 (15 U.S.C. 80a-1 *et seq.*), an "interested person" of that investment company, as that term is defined in section 2(a)(19) of the Act (15 U.S.C. 80a-2);

(viii) Any person who, because of a substantial interest in the subject matter of the solicitation, will receive a benefit from a successful solicitation that is not shared pro rata by all other holders of the same class of securities; and

(ix) Any person acting on behalf of any of the foregoing.

4. By amending § 240.14a-3 to add a new paragraph (f) to read as follows:

§ 240.14a-3 Information to be furnished to security holders.

(f) The provisions of paragraph (a) of this section shall not apply to a solicitation made solely by means of a speech in a public forum, published or broadcast opinions, statements, and advertisements appearing in a broadcast media, newspaper, magazine and/or business or financial publication of general and regular circulation, provided that:

(1) No form of proxy, consent or authorization or means to execute the same is provided to security holders in connection with the communication; and

(2) At the time the communication is made, a definitive proxy statement is on file with the Commission pursuant to § 240.14a-6(b).

5. By amending § 240.14a-4 to revise the first sentence of each of paragraphs (a)(3) and (b)(1) and to add a new concluding sentence at the end of paragraph (d) to read as follows:

§ 240.14a-4 Requirements as to proxy.

(a) * * *

(3) Shall identify clearly and impartially each matter intended to be acted upon, whether or not related or mutually conditioned on the approval of the other matters, and whether proposed by the registrant or by security holders.

(b)(1) Means shall be provided in the form of proxy whereby the person solicited is afforded an opportunity to specify by boxes a choice between approval or disapproval of, or abstention with respect to, each matter referred to therein as intended to be acted upon, other than elections to office.

(d) * * *

Provided, however, that nothing in this paragraph shall prevent any person soliciting in support of nominees who, if elected, would constitute a minority of the board of directors, from providing security holders an opportunity to vote for all or certain of the nominees named in the registrant's proxy statement, so long as the registrant's nominees are clearly distinguished on the form of proxy from nominees who have consented to be named in the proxy statement filed in connection with such opposing solicitation.

6. By amending § 240.14a-6 to revise the first sentence of the introductory text of paragraph (a); to remove paragraphs (b) and (h); to redesignate paragraphs (c) through (g) as paragraphs (b) through (f); to add new paragraph (g); to redesignate paragraphs (i) through (m) as paragraphs (h) through (l); to revise the caption to newly redesignated

paragraph (b); to revise newly redesignated paragraphs (c), (d), and (e); and to add to newly redesignated paragraph (i) a new subparagraph (5), to read as follows:

§ 240.14a-6 Filing requirements.

(a) *Preliminary proxy statement.* Five preliminary copies of the proxy statement and form of proxy shall be filed with the Commission at least 10 calendar days prior to the date definitive copies of such material are first sent or given to security holders, or such shorter period prior to that date as the Commission may authorize upon a showing of good cause thereunder. * * *

(b) *Definitive proxy statement and other soliciting materials.* * * *

(c) *Personal solicitation materials.* If the solicitation is to be made in whole or in part by personal solicitation, eight copies of all written instructions or other material which discusses or reviews, or comments upon the merits of, any matter to be acted upon and which is furnished to the persons making the actual solicitation for their use directly or indirectly in connection with the solicitation shall be filed with, or mailed for filing to, the Commission by the person on whose behalf the solicitation is made not later than the date any such material is first sent or given to such individuals.

(d) *Release dates.* All preliminary material filed pursuant to paragraph (a) of this section shall be accompanied by a statement of the date on which definitive copies thereof filed pursuant to paragraph (b) of this section are intended to be released to security holders. All definitive material filed pursuant to paragraph (b) of this section shall be accompanied by a statement of the date on which copies of such material were released to security holders, or, if not released, the date on which copies thereof are intended to be released. All material filed pursuant to paragraph (c) of this section shall be accompanied by a statement of the date on which copies thereof were released to the individual who will make the actual solicitation or if not released, the date on which copies thereof are intended to be released.

(e)(1) *Public availability of information.* All copies of preliminary material filed pursuant to paragraph (a) of this section shall be clearly marked "Preliminary Copies," and shall be deemed immediately available for public inspection unless confidential treatment is obtained pursuant to paragraph (e)(2) of this section.

(2) *Confidential treatment.* If action is to be taken with respect to any matter specified in Item 14 of Schedule 14A

(§ 240.14a-101) that is nonpublic and is not required to be publicly disclosed under any other provision of law, then all copies of preliminary proxy statement and form of proxy filed pursuant to this section shall be for the information of the Commission only and shall not be deemed available for public inspection until definitive material has been filed with the Commission provided that:

(i) The solicitation does not relate to a matter or proposal subject to § 240.13e-3 or a roll-up transaction as defined in Item 901(c) of Regulation S-K [§ 229.901(c) of this chapter];

(ii) At the time of filing, a separate copy of the materials is sent to the Secretary of the Commission together with a written request for confidential treatment; and

(iii) The filed material is marked "Confidential. For Use of the Commission Only." In any and all cases, such material may be disclosed to any department or agency of the United States Government and to the Congress, and the Commission may make such inquiries or investigation in regard to the material as may be necessary for an adequate review thereof by the Commission.

(g) *Solicitations subject to § 240.14a-2(b)(1).*

(1) Any person relying upon the exemption set forth in § 240.14a-2(b)(1), shall furnish or mail to the Commission, within 10 days of the commencement of such solicitation, five copies of a statement containing the information specified in Notice Form 14 [§ 240.14a-103] which statement shall attach as an exhibit any written soliciting materials. Five copies of an amendment to such statement shall be submitted, or mailed to the Commission, in connection with the dissemination of any additional soliciting materials within 10 days following the date such materials are first sent or given to securityholders.

(2) Notwithstanding paragraph (g)(1) of this section, no such submission need be made with respect to solicitations consisting solely of oral communications, speeches in a public forum, published or broadcast opinions, statements, and advertisements appearing in a broadcast media, newspaper, magazine or business or financial publication of general and regular circulation.

(i) *Fees.* * * *

(5) For submissions made pursuant to §§ 240.14a-2(b)(1) and 240.14a-6(g), no fee shall be required.

7. By revising § 240.14a-7 to read as follows:

§ 240.14a-7 Obligations of registrants to provide a list of, or mail soliciting material to, security holders.

(a) If the registrant has made or intends to make a proxy solicitation in connection with a security holder meeting or action by consent or authorization, upon the written request by any security holder entitled to vote at the meeting or to execute a consent or authorization, to provide a list of security holders or to mail the requesting security holder's materials, the registrant shall:

(1) Mail or otherwise furnish to the requesting security holder within two business days after receipt of the request:

(i) A statement of the approximate number of record holders and beneficial holders, separated by type of holder and class, owning securities in the same class or classes as holders which have been or are to be solicited on management's behalf, or any more limited group of such holders designated by the security holder;

(ii) The estimated cost of mailing a proxy statement, form of proxy or other communication to such holders, including to the extent known or reasonably available, the estimated costs of any bank, broker, and similar person through whom the registrant has solicited or intends to solicit beneficial owners in connection with the security holder meeting or action;

(iii) If applicable, notify the security holder of the registrant's election under paragraph (b) of this section; and

(iv) With respect to security holders requesting the security holder list, a statement indicating whether the registrant has obtained a reasonably current list of beneficial owners pursuant to § 240.14a-13(b) and the date of such a list.

(2) Perform the acts set forth in either paragraphs (a)(2)(i) or (a)(2)(ii) of this section, at the registrant's or requesting security holder's option, as specified in paragraph (b) of this section:

(i) Mail copies of any proxy statement, form of proxy or other soliciting material furnished by the security holder to the record holders, including banks, brokers, and similar entities, designated by the security holder. A sufficient number of copies must be mailed to the banks, brokers and similar entities to enable them to distribute a copy to each beneficial owner to receive one pursuant to the security holder's instructions. The registrant shall mail the security holder material with reasonable promptness

after tender of the material to be mailed, envelopes or other containers therefor, and postage or payment for postage. The registrant shall not be responsible for the content of the material; or

(ii) Furnish the requesting security holder with the following information within five business days of receipt of the request: a reasonably current list of the names, addresses and security positions of the record holders, including banks, brokers and similar entities, owning securities in the same class or classes as holders which have been or are to be solicited on management's behalf, or any more limited group of such holders designated by the security holder; a reasonably current list of beneficial owners as specified in § 240.14a-13(b), if such a list is in the possession of the registrant at the time of the security holder's request; and any other information relating to the names, addresses, and security positions of beneficial owners that is in the registrant's possession and that the registrant has used or intends to use to conduct its solicitation in connection with the meeting or action. All security holder list information shall be in the form requested by the security holder to the extent that such form is available to the registrant without undue burden or expense. The registrant shall furnish the security holder with updated record holder information on a daily basis or at other reasonable intervals. *Provided, however,* the registrant need not provide information more current than the record date for the meeting or action.

(b) If the registrant is soliciting with respect to a proposal that is subject to § 240.13e-3 or a roll-up transaction as defined in Item 901(c) of Regulation S-K (§ 229.901(c) of this chapter), the requesting security holder shall have the option set forth in paragraph (a)(2) of this section. With respect to all other requests pursuant to this section, the registrant shall have the option to either mail the security holder's material or furnish the security holder list as set forth in paragraph (a)(2) of this section.

(c) At the time of a list request, the security holder making the request or the beneficial owner for whom the request is made shall provide the registrant with an affidavit, declaration, affirmation or other similar document provided for under applicable state law identifying the proposal that will be the subject of the security holder's solicitation or communication and attesting that:

(1) The security holder will not use the list information for any purpose other than to communicate with or solicit security holders with respect to the same meeting or action by consent or

authorization for which the registrant is soliciting or intends to solicit; and

(2) The security holder will not disclose such information to any person other than the beneficial owner for whom the request was made and an employee or agent to the extent necessary to effectuate the communication or solicitation.

(d) The security holder shall not use the information furnished by the registrant pursuant to paragraph (a)(2)(ii) of this section for any purpose other than to communicate with or solicit security holders with respect to the same meeting or action by consent or authorization for which the registrant is soliciting or intends to solicit; or disclose such information to any person other than an employee, agent, or beneficial owner for whom a request was made to the extent necessary to effectuate the communication or solicitation.

(e) The security holder shall defray the reasonable expenses incurred by the registrant in performing the acts requested pursuant to paragraph (a) of this section.

8. By amending § 240.14a-11 to remove paragraph (c)(2) and redesignate paragraphs (c)(3) through (c)(6) as paragraphs (c)(2) through (c)(5), respectively; to revise paragraph (c)(1); to remove the reference to "paragraphs (c) (1), (2) and (3)" and in its place add "paragraphs (c)(1) and (c)(2)"; to remove paragraphs (d) and (e) to redesignate paragraphs (f) through (h) as paragraphs (d) through (f), respectively; to remove the last sentence in newly redesignated paragraph (d); and to revise newly redesignated paragraph (e) to read as follows:

§ 240.14a-11 Special provisions applicable to election contests.

(c) *Filing of Information Required by Schedule 14B.* (1) No later than five business days following the commencement of a solicitation subject to this section or five business days prior to the filing or mailing for filing of a definitive proxy statement pursuant to § 240.14a-6(b) relating to such a solicitation, whichever is earlier, three copies of a statement containing the information specified by Schedule 14B (§ 240.14a-102) shall be filed with the Commission and with each national securities exchange upon which any security of the registrant is listed and registered, by and on behalf of each participant in such solicitation, other than the registrant.

(e) *Application of § 240.14a-6.* The provisions of paragraphs (b), (c), (d), and (e) of § 240.14a-6 shall apply, to the extent pertinent, to soliciting material subject to paragraphs (d) of this section.

9. By revising § 240.14a-12 to read as follows:

§ 240.14a-12 Solicitation prior to furnishing required proxy statement.

(a) Notwithstanding the provisions of § 240.14a-3(a), a solicitation may be made prior to furnishing security holders a written proxy statement meeting the requirements of § 240.14a-3(a) if:

(1) No form of proxy is furnished to security holders prior to the time the written proxy statement is furnished to security holders; *Provided, however,* That this paragraph (a)(1) shall not apply where a written proxy statement then meeting the requirements of § 240.14a-3(a) has been furnished to security holders by or on behalf of the person making the solicitation;

(2) The identity of the person or persons by or on whose behalf the solicitation is made and a description of their interests direct and indirect, by security holdings or otherwise, are set forth in each communication sent or given to security holders in connection with the solicitation; and

(3) A written proxy statement meeting the requirements of this regulation is sent or given to the security holders at the earliest practicable date.

(b) Three copies of any soliciting material proposed to be sent or given to security holders prior to the furnishing of a written proxy statement required by § 240.14a-3(a) shall be filed or mailed for filing with the Commission not later than the date copies of such material are first sent or given to security holders.

10. By amending § 240.14a-101 to add a new paragraph (f) to Item 6 of Schedule 14A, to read as follows:

§ 240.14a-101 Schedule 14A. Information required in proxy statement.

Item 6. Voting Securities and Principal Holders Thereof

(f) If the registrant has received a request for a security holder list on or before the twentieth calendar day preceding the date of the proxy statement, or later than 20 calendar days prior to the date of the registrant's most recent proxy statement, and the requested list had not been provided by the date of the proxy statement, state the name of the requestor, the reasons given, if any, for requesting the list, and

the registrant's reasons for not providing the list. The information required by this paragraph shall be provided in any additional soliciting material provided to security holders following the dissemination of a proxy statement not containing such information.

Instruction: The discussion of requests for a security holder list called for by this item must be provided whether the request was made under federal, state, or common law or contractual provisions. Where a request for a list has been made under Rule 14a-7 and the registrant elects to mail the security holders materials in lieu of providing a list, the discussion called for by this item shall be provided. No such disclosure need be given where a court has held that the registrant need not provide the requested list under state law, or the request was not properly made under Rule 14a-7.

11. By amending § 240.14a-101 to revise Item 21 thereof to read as follows:

§ 240.14a-101 Schedule 14A. Information required in proxy statement.

Item 21. Voting Procedures. As to each matter which is submitted to a vote of security holders, furnish the following information:

(a) State the vote required for approval, other than for the approval of auditors.

(b) Disclose the method by which votes will be counted, including the treatment and effect of abstentions and broker non-votes under applicable state law as well as registrant charter and by-law provisions.

12. By adding § 240.14a-103 to read as follows:

§ 240.14a-103 Notice Form 14. Information to be included in statements filed by or on behalf of a person pursuant to § 240.14a-2(b)(1) (Rule 14a-2(b)(1)).

U.S. Securities and Exchange Commission—Washington, DC 20549

Notice Form 14

1. Name of the Registrant:

2. Name of person relying on exemption:

3. Holdings of voting securities of the Registrant:

Amount of each class of securities of the Registrant entitled to vote on the matter owned beneficially by the person submitting this notice.

4. Written materials. Attach written material required to be submitted pursuant to Rule 14a-6(g)(1).

13. By adding a new section 240.14a-X to read as follows:

§ 240.14a-X Security holder analysis of management performance.

(a) *General.* If the solicitation is made on behalf of the registrant and relates to an annual (or special meeting in lieu of the annual) meeting of security holders, or a written consent in lieu of such meeting, at which directors are to be elected, subject to the conditions set forth in this section, each proxy statement furnished pursuant to § 240.14a-3 shall include the statements of security holders who meet the requirements set forth in paragraph (b) of this section with respect to the registrant's long-term economic performance and resultant shareholder value and the ability of the registrant's officers and directors to achieve, in the long term, corporate growth and resulting shareholder gain.

(b) *Eligibility of security holder(s).* (1) At the time he submits his statement, the security holder shall be the beneficial owner of securities entitled to cast at least 1/2% of the aggregate number of votes which may be cast in the election of directors at the meeting and have been such an owner for at least three years, and he shall continue to be such an owner through the date on which the meeting is held. If the registrant requests documentary support for a security holder's claim that he is the beneficial owner of at least 1/2% of such voting securities of the registrant and that he has been a beneficial owner of the securities for three or more years, the registrant shall make such request within 14 calendar days after receiving the security holder's statement and the security holder shall furnish appropriate documentation within 21 calendar days after receiving the request. Appropriate documentation of the security holder's claim of beneficial ownership shall include either:

(i) the security holder's affidavit, declaration, affirmation or similar document provided for under applicable state law which shall be supported by:

(A) A copy of such security holder's Schedule 13D, Schedule 13G, Form 13F, Forms 3, 4, and/or 5, filed with the Commission and furnished to the registrant, and all subsequent amendments reporting a change in beneficial ownership, indicating the security holder's beneficial ownership as of or prior to the date on which the relevant three-year period commenced and that beneficial ownership of the registrant's securities has continued to

the time the security holder supplied his statement or

(B) In the absence of such filings, other independent evidence of compliance with the eligibility requirements of this rule or

(ii) A written statement by a record owner or by an independent third party (such as a custodian or similar entity); in either case attesting that the security holder was the beneficial owner of securities of the registrant having the right to cast at least 1/2% of the votes entitled to be cast in the election of directors of the registrant throughout the required three-year period and as of the date of such affidavit, declaration, affirmation, similar document provided for under applicable state law, record holder statement or third party statement, as the case may be, accompanied by the security holder's written statement that the security holder intends to continue to be such an owner through the date on which the meeting is held.

(2) A security holder who is not the beneficial owner of securities entitled to cast at least 1/2% of the aggregate number of votes which may be cast in the election of directors at the meeting, but who has been a beneficial owner for at least three years may contact other security holders for the purpose of forming a security holder group which, in the aggregate, is the beneficial owner of securities entitled to cast at least 1/2% of the aggregate number of votes which may be cast in the election of directors at the meeting. Each member of such group must have been a beneficial owner of voting securities of the registrant for at least three years in order for the group to be eligible to submit a statement. If the registrant requests documentary support for a security holder group's claim that it is in the aggregate the beneficial owner of at least 1/2% of such voting securities of the registrant or that the members of the group have been beneficial owners of the registrant's securities for three or more years, each member of the security holder group shall furnish the appropriate documentation provided for under paragraph (b)(1) of this section. Each member of a security holder group shall provide to the registrant the information required by paragraph (c) of this section. For all other purposes of this section, such security holder group shall be considered a single security holder.

(c) *Security Holder Information.* At the time he submits a statement, a security holder shall provide the registrant in writing with his name; address; the number of registrant's

voting securities that he holds beneficially; the dates upon which he acquired such securities; and his interest, if any, in the outcome of the vote at the meeting or in the registrant other than as a security holder.

(d) *Timeliness.* The security holder shall submit his statement sufficiently far in advance of the meeting so that it is received by the registrant within the following time periods:

(1) A statement to be mailed with a proxy statement relating to an annual meeting shall be received at the registrant's principal executive offices not less than 120 calendar days in advance of the date of the registrant's proxy statement was released to security holders in connection with the previous year's annual meeting of security holders except that if no annual meeting was held in the previous year or the date of the annual meeting has been changed by more than 30 calendar days from the date contemplated at the time of the previous year's proxy statement, a statement shall be received by the registrant a reasonable time before the solicitation is made, taking into account other provisions of this section with respect to the times for the taking of actions.

(2) A statement to be mailed with a proxy statement relating to any meeting other than an annual meeting specified in paragraph (d)(1) of this section shall be received a reasonable time before the solicitation is made, taking into account other provisions of this section with respect to times for the taking of actions.

(e) *Number of Statements.* A security holder may not submit more than one statement for mailing with the registrant's proxy statement for a meeting of security holders.

(f) *Contents of the Statement.* (1) The statement shall be limited to the opinion of the security holder with respect to:

(i) The registrant's long-term economic performance and resultant shareholder value and

(ii) The ability of the registrant's officers and directors to achieve, in the long term, corporate growth and resulting shareholder gain and the reasons for such opinions. The statement shall also include the information, for the security holder and for each member of any security holder group, required to be furnished pursuant to paragraph (c) of this section. The statement shall not exceed 700 words excluding any tables, charts or graphs and the information required by the preceding sentence. The registrant shall not be responsible for such statement.

(2) If one or more statements have been submitted by security holders, there shall be set forth in the proxy

statement under the caption preceding information with respect to the election of directors the following statement:

"Accompanying this proxy statement is a statement(s) submitted by a security holder(s) expressing opinions with respect to the performance of the company." If a statement on behalf of management has been prepared, the following statement shall also be set forth in bold type under such caption: "Also accompanying this proxy statement is a statement authorized by the Board of Directors in response to the statement(s) submitted by the security holder(s)."

(g) *Omission of Statements.* The registrant may omit a statement from the mailing of its proxy statement if any of the following grounds for exclusion apply:

(1) The registrant may omit all statements from the mailing of its proxy statement if any of the registrant's security holders files a Schedule 14B with the Commission, commencing a proxy election contest involving two or more non-management director nominees, by five calendar days prior to the date the statements are expected to be distributed.

(2) The registrant is only required to mail with its proxy statement three statements it receives which satisfy the requirements set forth in this section. In the event that more than three statements are received by the registrant which may not be omitted from the mailing pursuant to paragraph (g)(1) of this section, the registrant's independent accountants shall, after excluding all statements from security holders who within the preceding three years have had a statement mailed by the registrant pursuant to this section, determine by lot the three statements which will be mailed with the registrant's proxy statement.

(h) *Supporting statement.* In the event a registrant determines to omit a statement from the mailing of its proxy statement because such statement was not selected for mailing by the accountants pursuant to paragraph (g)(2) of this section, the registrant shall promptly notify the security holder that his statement will not be mailed with the proxy statement in which case such security holder shall request from the registrant, within seven calendar days after receiving notice that his statement will not be mailed with the registrant's proxy statement, a copy of the statements to be mailed with the proxy statement and the registrant shall furnish appropriate copies to the security holder within seven calendar days after receiving the request. If such security holder decides to support one of

the statements to be mailed with the proxy statement, within 10 calendar days after receiving copies of the statements to be mailed with the proxy statement, such security holder shall notify the registrant of the statement he is supporting, and the registrant shall include in such statement a sentence which identifies the statement supported by the security holder, the name and address of the security holder supporting such statement, and the number of shares of voting securities of the registrant held by such security holder.

(i) *Relationship to Other Rules.* For the purpose of § 240.14a-9, any statement of a security holder or a registrant mailed pursuant to this section shall be deemed "solicitation material" and such mailing shall be deemed a "solicitation." A communication with security holders for the purpose of obtaining support for a statement to be submitted to the registrant pursuant to paragraph (b)(2) of this section shall not be subject to § 240.14a-3 or 14a-11. Security holders engaging in such communications shall comply with the notice requirements of § 240.14a-6(g) in connection with any dissemination of the proposed statement and other solicitation materials.

14. By amending § 240.14c-5 to revise paragraph (d), to read as follows:

§ 240.14c-5 Filing requirements.

* * * * *

(d)(1) *Public Availability of Information.* All copies of material filed pursuant to paragraph (a) of this section shall be clearly marked "Preliminary Copies," and shall be deemed immediately available for public inspection unless confidential treatment is obtained pursuant to paragraph (d)(2) of this section.

(2) *Confidential Treatment.* If action is to be taken with respect to any matter specified in Item 14 of Schedule 14A (§ 240.14a-101) that is nonpublic and is not required to be publicly disclosed under any other provision of law, then all copies of the preliminary information statement filed pursuant to this section shall be for the information of the Commission only and shall not be deemed available for public inspection until definitive material has been filed with the Commission provided that:

(i) the information statement does not relate to a matter or proposal subject to § 240.13e-3 or a roll-up transaction as defined in Item 901(c) of Regulation S-K (§ 229.901(c) of this chapter);

(ii) at the time of filing, a separate copy of the information statement is sent to the Secretary of the Commission

together with a written request for confidential treatment; and

(iii) the filed material is marked "Confidential, For Use of the Commission Only." In any and all cases, such material may be disclosed to any department or agency of the United States Government and to the Congress, and the Commission may make such inquiries or investigation in regard to the material as may be necessary for an adequate review thereof by the Commission.

15. By amending § 240.14c-101, (Schedule 14c) to add a new Item 5 thereto to read as follows:

§ 240.14c-101 Schedule 14C. Information required in information statement.

Item 5. Statements of Security Holders.

Include all statements of security holders that would have been required to be forwarded to security holders pursuant to Rule 14a-X (§ 240.14a-X) if proxies were to be solicited in connection with the meeting.

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

16. The authority citation for Part 249 continues to read, as follows:

Authority: 15 U.S.C. 78a, *et seq.*, unless otherwise noted.

17. By amending Form 10-Q (§ 249.308a) to revise paragraph (c) and Instruction 4 of Item 4 Part II to read as follows:

Note—The text of Form 10-Q does not and this amendment will not appear in the Code of Federal Regulations.

§ 249.308a Form 10-Q, for quarterly and transition reports under section 13 or 15(d) of the Securities Exchange Act of 1934.

Form 10-Q

Part II

Item 4. Submission of Matters to a Vote of Security Holders

If any matter has been submitted to a vote of security holders during the period covered by this report, through the solicitation of proxies or otherwise, furnish the following information:

(c) A brief description of each matter voted upon at the meeting and state the number of votes cast for, against or withheld, as well as the number of abstentions and broker non-votes, as to each such matter or nominee.

Instructions

4. Paragraph (c) must be answered for all matters voted upon at the meeting, with respect to both contested and uncontested elections of directors.

18. By amending Form 10-K (§ 249.310) to revise paragraph (c) and Instruction 4 of Item 4 of Part I to read as follows:

Note—The text of Form 10-K does not and this amendment will not appear in the Code of Federal Regulations.

§ 249.310 Form 10-K, for annual and transition reports pursuant to sections 13 or 15(d) of the Securities Exchange Act of 1934.

Form 10-K

Part I

Item 4. Submission of Matters to a Vote of Security Holders

(c) A brief description of each matter voted upon at the meeting and state the number of votes cast for, against or withheld, as well as the number of abstentions and broker non-votes, as to each such matter or nominee.

Instructions

4. Paragraph (c) must be answered for all matters voted upon at the meeting including with respect to both contested and uncontested elections of directors.

By the Commission.

Dated: June 23, 1992.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92-15252 Filed 7-1-92; 8:45 am]

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SECURITIES and EXCHANGE COMMISSION

17 CFR Parts 229 and 240

[Release No. 33-6940; 34-30851; File No. S7-16-92]

RIN 3235-AF34

Executive Compensation Disclosure

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rules.

SUMMARY: The Commission is publishing for comment proposed amendments to the executive compensation disclosure requirements applicable to proxy statements, periodic reports and other

filings under the Securities Exchange Act of 1934, and to registration statements under the Securities Act of 1933. The proposed amendments are intended to make disclosure of compensation paid or awarded to executive officers clearer and more concise, and of greater utility to shareholders. New provisions would require a report by the Board Compensation Committee, or in its absence, the Board of Directors, on the bases for its compensation decisions in the last fiscal year with respect to the Chief Executive Officer and the other named executive officers, and the relationship of such compensation to company performance, together with a graph comparing the cumulative return on the company's common stock with the Standard and Poor's 500 Stock Index over at least the last five years, and with the return on either a nationally recognized industry index or a registrant-constructed peer group index. Additional disclosure is proposed, for certain registrants, regarding the relationships of the Compensation Committee members to the registrant.

DATES: Comments should be received on or before August 31, 1992.

ADDRESSES: Comments should be submitted in triplicate to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Stop 6-9, Washington, DC 20549. Comment letters should refer to File No. S7-16-92. All comments received will be available for public inspection and copying at the Commission's Public Reference Room, 450 Fifth Street, NW., Washington, DC 20549.

FOR FURTHER INFORMATION CONTACT: Catherine T. Dixon at (202) 272-2589, or Gregg W. Corso at (202) 272-3097, Division of Corporation Finance, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549.

SUPPLEMENTARY INFORMATION: The Commission is publishing for comment proposed amendments to the proxy rules¹ and Item 402² of Regulation S-K, as well as Item 10 of Schedule 14A,³ and Item 11 of Form 10-K.⁴ These amendments would modify disclosure of executive compensation in proxy statements and periodic reports under the Securities Exchange Act of 1934 ("Exchange Act"),⁵ and registration

¹ 17 CFR 240.14a-1 *et seq.*

² 17 CFR 229.402.

³ 17 CFR 240.14a-101, Item 10.

⁴ 17 CFR 249.310, Item 11.

⁵ 15 U.S.C. 78a *et seq.*

statements under the Securities Act of 1933 ("Securities Act").⁶

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I. Executive Summary

The Commission today is proposing substantial revisions to its rules governing disclosure of executive compensation. The proposed amendments are intended to provide shareholders with a clear and concise presentation of compensation paid or awarded to executive officers, and the directors' bases for making such compensation decisions.

To this end, the Commission is proposing to consolidate the requisite

disclosure in a series of tables that would set forth in a clear and understandable manner each element of compensation paid, earned or awarded in a given year. General descriptions of most compensation plans no longer would be required. A new Summary Table also would provide an overview of each compensatory item paid to, or earned or received by the Chief Executive Officer ("CEO") and the four other most highly paid executive officers over each of the preceding three years, enabling shareholders to discern clearly any trends in the registrant's approach to compensating its executives, and to compare the registrant's executive pay practices with those of other registrants. Shareholder understanding of this information would be enhanced further by a proposed report by the Board Compensation Committee (or, in its absence, the full Board or other committee performing a similar function) discussing the specific factors upon which each named executive's compensation was based in the last fiscal year, and explaining how each named executive's compensation package relates to corporate performance. Accompanying this report would be a graph comparing the cumulative returns to the company's shareholders over a period of at least the last five years to the return on the Standard and Poor's ("S&P") 500 Stock Index, and the return on either a nationally recognized industry index or a registrant constructed peer group index. The registrant would be free to include additional graphs using other performance measures.

Expanded disclosure of directors' business relationships with the registrant is proposed for registrants that (1) do not have a compensation committee composed entirely of non-employee directors; (2) have interlocking compensation committees or, in the absence of a compensation committee, interlocking directorships; or (3) have repriced or amended outstanding options during the most recent fiscal year. Certain exceptions would be made for small businesses that would be eligible to file on proposed Form 10-KSB.

These proposals are part of the Commission's initiative, announced in February of this year, to enhance the workings of market forces with respect to executive pay. This initiative includes providing shareholders with information about executive compensation that is easier to understand and more relevant to proxy voting and investment decisions, and permitting shareholders greater opportunity to make their views about the board's compensation

decisions known to the directors. Effective earlier this year, the Commission staff began to require companies to include shareholder proposals on executive compensation submitted pursuant to Rule 14a-8⁷ in their proxy statements. While these resolutions are advisory in nature, they allow shareholders to provide direct input to the board on its compensation decisions.⁸

[In percent]

	For	Against	Abstain
Aetna Life & Casualty Co	7.5	80.3	12.2
Baltimore Gas & Electric Co	12.2	83.6	4.2
Bell Atlantic Corp	10.9	74.6	14.5
Black Hills Corp	36.9	47.6	15.5
Chrysler Corp	5.6	79.5	14.9
Eastman Kodak Co	15.9	67.8	16.3
Equimark Corp	16.5	81.4	2.1
Int'l Business Machines Corp	16.7	83.3	0
Reebok Inc.	19.2	51.9	28.9

* Not available.

The goals of the Commission initiative are to assure that shareholders are well informed and that all the facts regarding the compensation that the shareholders are paying are out in the open, and to foster better accountability of the board of directors to the shareholders.

II. Proposed Disclosure Framework

Since adoption of the current compensation disclosure requirements nine years ago, executive compensation design and practice have undergone significant changes. While systems were developed in the 1970s primarily to ensure current pay delivery, the contemporary focus is increasingly on long-term compensation to provide management with incentives to create shareholder value.⁹ This trend toward increased use of long-term stock compensation reflects the commonly held view that "real ownership builds commitment and risk on the part of executives and positively influences long-term decision-making."¹⁰ Recently,

⁷ 17 CFR 240.14a-8.

⁸ Nine of the proposals that the Commission decided should be included under the new policy have come to a vote. Reported results of the voting on the nine proposals were as follows:

⁹ See L. Brindisi, *Executive Compensation Links to Shareholder Value Creation*, reprinted in *Executive Compensation: A Strategic Guide for the 1990's* 273 (Foulkes, ed. 1991).

¹⁰ Frederic W. Cook & Co., *Long-Term Incentive Grants among the Top 200 Industrial Companies* (November 1991).

⁶ 15 U.S.C. 77a et seq.

these changes have accelerated, with long-term incentive compensation overtaking the more traditional fixed salary and bonus to become the largest single component of the total mix of the typical executive pay package.¹¹ The growing use and multiplicity of these plans have made executive pay packages extremely complex, and have led to reporting of compensation that many shareholders find incomprehensible. While a number of companies have sought to simplify their disclosures and to provide clear tabular presentation of senior executive compensation packages, many have not. The proposals made today are intended to remedy this situation.

A. Item 402 of Regulation S-K

The Commission is proposing to revise Item 402 of Regulation S-K and related provisions to improve the quality of current compensation disclosure, in large part by focusing disclosure on compensation paid or awarded in a given fiscal year and eliminating the general description of compensation plans.¹² The proposed rules would mandate the presentation of material pay-related information in a series of tables and charts. A new requirement that the compensation committee of the registrant's board of directors discuss and analyze the bases for the compensation paid or awarded to the Chief Executive Officer ("CEO") and the other four most highly paid executives is intended to provide a clear, specific and concise explanation from the responsible directors of their compensation determinations, and the relationship of each named executive's compensation to corporate performance. A graphic presentation of registrant shareholder return compared to the return on the S&P 500 Stock Index and either a nationally recognized industry index or a registrant-constructed peer group would be required to assist shareholders in assessing the company's performance.

Commenters are invited to provide suggestions or recommendations for streamlining and simplifying the presentation of executive compensation disclosure. Are there alternative means of presenting material executive pay

information in a more clear, concise and comprehensible manner?

1. Designation of Named Executives and Executive Group

Except as necessary to assure inclusion of the CEO or other person serving in this capacity, the Commission does not propose to alter the range of executives subject to individual disclosure of executive compensation, or to modify the executive group reporting requirement. However, the proposal will raise the present disclosure threshold of \$60,000 annual compensation with respect to individual executive officers other than the CEO, to \$100,000. The Commission requests comment on the appropriateness of increasing the disclosure threshold from \$60,000 to \$100,000 to reflect generally inflation since the rule was last revised. Should the threshold be higher or lower?

Unlike the current rules, individual disclosure of CEO compensation will be required regardless of the nature and amount of such compensation. In determining the four other most highly paid executive officers to be subject to individual disclosure, the aggregated compensation reported in the Annual Compensation section of the proposed Summary Table would be used.

Some commenters have suggested that the number of executive officers subject to individual disclosure could be reduced from five to three. Others maintain that the number of named executives instead should be increased to provide individualized pay information for all executives serving as directors, regardless of whether they are among the five most highly compensated. Comment is requested concerning such proposals to decrease or increase the number of executive officers subject to individualized disclosure under Item 402.

The proposed rules continue to remind registrants that an officer of a subsidiary with policy making functions may be an executive officer of the registrant and, if one of the four highest paid aside from the CEO, must be the subject of individualized pay disclosure. Subsidiary officers who may be executive officers of the registrant and subject to individual pay disclosure are the same individuals who must be disclosed as executive officers of the registrant for purposes of all periodic reports under the Exchange Act.¹³

Finally, the Commission is proposing to require, for any executive officer as to whom individual pay information

otherwise is required, disclosure on an individualized basis of compensation attributable to that portion of the fiscal year in which that executive did not serve as an executive officer.

As noted, the proposal continues the current requirements for disclosure of compensation paid or awarded to all executive officers as a group, with the number of persons in the group to be stated without naming the officers. Comment is requested whether group disclosure continues to be necessary in each of the proposed tables discussed below.

2. Summary Table

To provide shareholders a concise, comprehensive overview of compensation awarded, earned or paid in the reporting period, registrants will be required to present a summary of all such compensation in tabular form. This new Summary Table will replace the cash compensation table now required,¹⁴ and include information for the named executives individually, and in the aggregate for the executive group, for each of the last three fiscal years. Data would be furnished for the three years for the individual executive and group members designated for the last fiscal year. As under the current rule, the proposed rule is intended to require disclosure of all forms of executive compensation¹⁵ received from the registrant (and its subsidiaries), whether pursuant to a plan¹⁶ or otherwise,¹⁷ or through a third party.¹⁸ At the same

¹⁴ See Item 402(a) of Regulation S-K (17 CFR 229.402(a)).

¹⁵ An instruction to the proposed Summary Table makes clear that compensation reported in the Summary Table in a prior year need not be included in compensation reported in the table for a later year.

¹⁶ For purposes of the revised provision, the Commission is retaining the present comprehensive definition of the term "plan." Instruction 3 to S-K Item 402(b) (and instruction to proposed Item 402(a)(2)) provides that, [t]he term "plan" includes, but is not limited to the following: any plan, contract, authorization or arrangement, whether or not set forth in any formal documents, pursuant to which the following may be received: cash, stock, restricted stock, phantom stock, stock options, stock appreciation rights, stock options in tandem with stock appreciation rights, warrants, convertible securities, performance units and performance shares. A plan may be applicable to one person.

¹⁷ No change is proposed to the current requirement in Item 402(c) (17 CFR 229.402(c)) that any compensation paid other than in cash or pursuant to a plan, as defined *supra* in n.15, must be disclosed if in excess of the lesser of \$25,000 or 10% of cash compensation. (Proposed 402(b)(2)(C)).

¹⁸ The Commission is retaining (but redesignating as proposed Item 402, General Instruction 2) current General Instruction 2 to Item 402, which brings within the scope of the Item "transactions between the registrant and a third party where the primary purpose of the transaction is to furnish

¹¹ See W. James, *Reality and Perception of Executive Compensation*, reprinted in *Performance and Compensation: An Issue of Corporate Governance* 82-83 (Jan. 13, 1992, J.L. Kellogg Graduate School of Management, Northwestern University). See also T. Jaenicke, *Issues in Corporate Governance: Executive Compensation*, Investor Responsibility Research Center (1991).

¹² Foreign issuers reporting on Form 20-F, which contains its own compensation disclosure requirements, would be unaffected by these proposed changes to Item 402.

¹³ See Rule 3b-7 under the Exchange Act (17 CFR 240.3b-7).

time, an instruction will make clear that, if a registrant has not paid or awarded executive compensation in a form prescribed by a particular column over the last three years, that column may be omitted.

A three-year, annualized look-back is being proposed to enable shareholders

to discern trends in the registrant's compensation of its senior executives, and to compare the registrant's pay practices with those of other registrants. Comment is invited on the necessity or appropriateness of the proposed three-year disclosure. Should the Summary Table instead cover the preceding two

fiscal years, or be limited to the last fiscal year?

The proposed table is set forth below, followed by an explanation of the types of compensation included in each column.

SUMMARY COMPENSATION TABLE

[illegible]

a. *Salary and bonus.* Now permitted to be aggregated in the cash compensation table, base salary and annual bonus will be broken out in separate columns in the new Summary Table. Shareholders and others who rely on executive compensation information have expressed substantial interest in analyzing bonuses apart from salary.¹⁹ The single figure in the bonus column will reflect both cash and noncash payments, including stock bonuses.

Compensation earned in a given year but deferred will be reported in the column containing the category of compensation to which it corresponds, regardless of how the award eventually will be paid (in cash, stock, or other securities or property). For example, salary deductions pursuant to a registrant thrift plan would be included in the column for salary.

Some company plans permit an executive to receive options or restricted stock in lieu of a portion of the executive's salary or bonus. In such a case, the executive would report the options or restricted stock received

pursuant to such election under the option or restricted stock column, and footnote the election under the salary or bonus column. Although the dollar amount forgone need not be included in the salary or bonus column, this amount still will be used to determine the four most highly paid executive officers who, together with the CEO, will be subject to individualized reporting under the proposal.

Comment is sought on the proposed allocation of salary and bonus information in two separate columns. Commenters also should address the proposed method of reporting of deferred compensation.

b. *Other annual compensation.* All additional forms of current cash and non-cash compensation paid, awarded or earned during each of the three prior fiscal years will be reported in the "Other Annual Compensation" column. Such items will include the registrant's annual contributions, payments or accruals on behalf of each named executive and the executive group, both to tax-qualified and to non-tax-qualified

retirement plans. Also combined in this aggregate figure will be the cash value of significant perquisites and other personal, non-plan benefits now required to be disclosed pursuant to existing Item 402(c). Finally, this column will include the value of amounts paid, allocated or accrued in respect of deferred compensation plans, including premiums paid annually by the registrant on insurance-funded deferred compensation arrangements. Dividends paid on restricted stock will be reportable under this column when such dividends are not subject to restriction.

(1) Personal benefits or perquisites. Other than requiring inclusion of their aggregate value in the Summary Table, the proposal will not change existing requirements established by current Item 402(c) for reporting perquisites and other non-cash, non-plan benefits paid or distributed to the named executives and the executive group. Each of these benefits must be included in the "Other Annual Compensation" column and identified (by type and dollar amount) in

compensation to any named individual [executive] or the [executive] group . . . [unless] the transaction has been reported in response to Item 404 of Regulation S-K."

¹⁹A corporate executive's base salary reportedly is fixed primarily on the basis of position, rather

than corporate or other performance measures, while bonus and other annual incentive pay levels often are linked to achievement of performance-related goals or targets. See Joint Study of the American Compensation Association and KPMG Peat Marwick, *Executive Pay and Company*

Performance 20-23, 36-31 (1991). Separate salary and bonus information thus would enable shareholders to determine how much of an executive's annual pay is performance-sensitive.

a footnote to the Summary Table for each named executive and the executive group, but only if the aggregate amount is equal to or exceeds the lesser of either \$25,000 or 10% of the total compensation reported in the sum of the Salary and Bonus columns for the individual executive or the group.²⁰ Dollar amounts assigned to perks and other personal benefits will continue to be calculated on the basis of the aggregate incremental cost to the registrant and its subsidiaries.

As under the current item, payments under group life, health, hospitalization, medical reimbursement or relocation plans that do not discriminate in scope, terms or other operation in favor of executive officers and directors, and that are available generally to all salaried employees, need not be reported.

(2) Annual registrant contributions to pension and other retirement plans. Registrants commonly make contributions to pension, profit-sharing, stock bonus and other retirement plans on behalf of executive participants during their terms of employment. Some of the plans in which senior executives participate may be "nondiscriminatory," or open at a minimum to all salaried employees,²¹ whereas other such plans are "discriminatory," in that coverage is restricted to top executives and directors.²² Registrants currently must disclose all contributions to plans in both categories that either are made or credited to the named executives and, in the aggregate, to the executive group, provided the executive's interest in the accrued benefits has vested. These amounts are reportable regardless of the cash or non-cash form of an annual contribution, payment, or accrual. No

change in this obligation is proposed, except to mandate inclusion of these amounts in the new Summary Table. Comment is requested as to the appropriateness of deleting the exception for payments where the accrued benefits are not vested.

Comment is requested as to the need for any additional information with respect to these retirement-related employer contributions, payments, or accruals on behalf of executive officers. As proposed, the information will be included within the single dollar amount reported under Other Annual Compensation, but not identified further in a footnote. Is there a need to disclose these payments separately by footnote?

(3) Amounts paid, allocated or accrued annually under deferred compensation plans. Amounts paid, allocated or accrued during the fiscal year under deferred compensation plans, or pursuant to any other long-term incentive arrangement (other than dividends on restricted stock that are accrued rather than actually paid to the executive, which amounts will be disclosed in a separate column) will be included in the "Other Annual Compensation" column, and identified by amount, type and/or rate in a footnote to the Summary Table. This sum would include not only amounts allocated or paid annually by the registrant pursuant to deferred compensation arrangements, but also interest or dividends accruing or paid on such amounts.

Because significant amounts of deferred compensation often accumulate in the compensatory accounts of top executives of public companies, the interest and/or dividends allocated to or accruing on such accounts alone has come to represent a significant component of post-retirement replacement income for some senior executives. Therefore, the proposal would delete the current provision permitting exclusion of interest on deferred compensation where the rate did not exceed prevailing market rates either when the underlying plan was established or the interest accrued.²³ This revision would also address concerns that have been raised with respect to the interest levels that some registrants have deemed to be at the market rate so as to justify nondisclosure. Where interest or dividends payable on deferred

compensation is variable depending on factors such as period of employment, the amount includable should be calculated assuming all contingencies to receiving interest or dividends at the highest rate will be met. The footnote disclosing the rate will list the contingencies, and may disclose the rate and amount payable if the contingencies are not met.

(4) Annual premiums on insurance-funded deferred compensation arrangements. Another form of executive compensation that will be reported in the "Other Annual Compensation" column and identified by type and amount in an accompanying footnote involves registrant-paid premiums on executive insurance policies, which are used by some companies to fund deferred compensation for executives. In some cases, the policies are initially owned and paid for by the company, with higher premiums payable in the early years. At retirement or some other time when the premiums are low and the policy has a significant cash surrender value, the policy is transferred, or "rolled out," to the executive, often for nominal consideration. Under other, so-called "split dollar" insurance arrangements, the registrant and the executive each pay part of the premium either concurrently or in consecutive years, with the executive to receive deferred compensation in the form of the cash surrender value of the policy (or equivalent value) at the close of the deferral period. The "Other Annual Compensation" column will include the annual premiums paid by the employer during the executive's tenure, if there is any arrangement or understanding, whether formal or informal, that a future roll-out or other payment to, or on behalf of, the executive will be made.

c. *Restricted stock.* Registrants currently are required to disclose restricted stock awards, but may choose to provide disclosure either in the year of grant or the year of vesting. The proposed Summary Table will require reporting in the year of grant. The amount reportable will be the aggregate market value of the registrant's unrestricted common shares at the date(s) of grant. Restricted stock awarded in lieu of salary or bonus at the election of the executive will be reported in this column, rather than as salary or bonus.

d. *Accrued dividends on restricted stock.* Currently, disclosure of dividends paid or earned on restricted stock is not required unless that class of stock is available only to certain employees on a discriminatory basis. With the recent

²⁰ This test parallels current Item S-K 402(c), but deletes references to cash.

²¹ Employer contributions may be made in respect of executive officers to such broad-based plans; for example, to tax-qualified profit sharing plans conforming to the requirements of Internal Revenue Code Section 401(k) [26 U.S.C. 401(k)]. Both these contributions and any executive contributions in the form of salary, bonus or other compensation deferrals are now, and will continue to be disclosed.

²² Such plans include "excess benefit plans," which provide retirement benefits to an executive equal to the amount by which his or her annual contributions and/or benefits under a tax-qualified plan exceed dollar limitations imposed by the federal tax code (see Internal Revenue Code Section 415 [26 U.S.C. 415]), and supplemental executive retirement plans, or "SERPs," which term encompasses any formal, informal or individually negotiated arrangement providing supplemental retirement benefits to selected executives beyond those available under the employer's qualified retirement plans. Any employer contributions and executive deferrals in respect to plans falling in either category must be reported under current Regulation S-K Item 402(a) and (b), and will continue to be reported under the proposals.

²³ See General Instruction 3 to Item 402. No such limitations currently apply (see *id.*), or will apply under the proposed revisions, with respect to dividends payable on any form of deferred stock or stock-based compensation other than restricted stock.

increase in large grants of restricted stock to top executives, often of the same class of common stock widely held by the public, the amount of dividends accrued on such grants, particularly when combined with dividends on previously awarded restricted stock, may be quite substantial. As proposed, the Summary Table therefore will require such dividends to be disclosed in a separate column.

Commenters should discuss the appropriateness of separate columnar disclosure of accrued restricted stock dividends. Should dividends actually paid to the executive on unrealized restricted shareholdings be reported here, rather than in the "Other Annual Compensation" column of the Summary Table, as proposed?

e. *Pay-outs under long-term incentive plans.* The aggregate value of all payouts under long-term incentive plans made or credited during the fiscal year to the named executive officers and executive group will be required to be disclosed in the Summary Table. These plans frequently include performance units or shares payable in cash, stock, or some combination thereof, if market-based and/or company performance targets are met by the end of a specified period. Settlements or earn-outs upon maturation of stock-based instruments, other than restricted stock, stock options and stock appreciation rights ("SARs") payable in stock,²⁴ will be reported in this column regardless of whether actually paid, or earned but deferred.

Disclosure of pay-outs or settlements of awards under long-term incentive plans, or plans under which compensation will not be received until after a period of more than one year, currently is required. However, this information has been particularly difficult to analyze because it frequently is provided in a discursive narrative form. The Summary Table will require no new information with respect to the value of cash and cash-equivalents

received or credited upon settlement or maturation of performance units or shares.²⁵ As required today, the reported figure will include amounts credited and payable to an executive recipient during or at the end of the plan's performance measurement period.

f. *Stock options and SARs.* As proposed, the number of stock options and non-tandem, or freestanding SARs payable in stock²⁶ awarded in each of the preceding three fiscal years will be reported in separate columns in the Summary Table. While the Commission has considered requiring valuation of options granted for purposes of reporting in the Summary Table, shareholders may be better served by disclosure of a range of potential realizable values based on various assumed stock appreciation rates.²⁷ Thus, the proposal includes a companion table to the Summary Table as follows:

VALUES BASED ON ASSUMED RATES OF STOCK PRICE APPRECIATION FOR OPTIONS GRANTED IN LAST FISCAL YEAR

Name	Strike price above market price at grant N% (\$)	50% (\$)	100% (\$)	200% (\$)
CEO.....				
#1.....				
#2.....				
#3.....				
#4.....				
Group.....				

The proposed table will disclose, for the CEO and other named executives and the executive group, the gain or "spread" that would be realized if options or freestanding SARs (payable in stock) were exercised when the registrant's stock price had appreciated by the specified percentage levels from the market price on the date of grant.²⁸ The first appreciation column is

proposed for use by those registrants that have established minimum stock price appreciation levels, sometimes referred to as "hurdles," or any other performance benchmark that must be reached before all or part of a particular grant becomes exercisable. A stock price appreciation rate would be used that would demonstrate the effect of the premium strike price.

Each tranche of an option grant with a differing hurdle or other performance threshold should be treated as a separate grant for purposes of this table. Depending on the number of these so-called "premium" or "performance-based" grants made in the last fiscal year, or the number of tranches within a single such grant, additional columns, with percentage levels at each of the hurdles substituted for the "N%," in the above table will be used to show the range of values for each such grant or tranche.

Illustration

To illustrate this use of the first column, suppose a company made two 50,000-share option awards during a given fiscal year to its CEO, one award with an exercise price fixed at fair market value at the date of grant of \$20.00, and the other award with two 25,000-option tranches, each exercisable at a strike prices at specified percentage levels of 25% (\$25) and 40% (\$28), above the fair market value of the stock at the time of grant. Under the proposal, the company would substitute two columns for the single (N%) column depicted above to reflect the potential gain on each one-half increment of the grant if a particular hurdle were to be achieved, resulting in a total of five columns in the table. Potential gain on the 50,000 premium priced options, as well as the other 50,000 options exercisable at fair market value, then will be disclosed as for any other grant run through the hypothetical scenarios reflected in the remaining columns.

²⁴ For purposes of this disclosure, SARs payable in stock or cash at the election of the registrant or the executive-recipient would be deemed payable in stock.

²⁵ A more detailed presentation of award and settlement information for the prior fiscal year will be contained in separate tables, discussed *infra*.

²⁶ For purposes of this disclosure, SARs payable in stock or cash at the election of the registrant or

executive-recipient will be deemed payable in stock.

²⁷ The Financial Accounting Standards Board ("FASB") is currently considering the accounting for stock options and other similar awards. The Commission's Chief Accountant is currently engaged in a study of the issues and the Commission has reached no conclusions on the appropriate accounting for stock options. The disclosure requirements proposed herein do not

reflect any judgment with respect to the issues currently being addressed in the FASB project.

²⁸ With respect to the designated range of possible stock price appreciation levels in the last three columns of the proposed table—(50%–200%)—it should be noted that, between 1925 and 1991, the geometric average annual capital appreciation rate for the S&P 500 Stock Index was 5.4 percent, which would result in a 10-year capital appreciation of 70%. See R. Ibbotson, *Stock, Bonds, Bills and Inflation Yearbook* (1991).

VALUES BASED ON ASSUMED RATES OF STOCK PRICE APPRECIATION FOR OPTIONS GRANTED IN LAST FISCAL YEAR

Name	Grant	25%	40%	50%	100%	200%
	(number)	(dollars)	(dollars)	(dollars)	(dollars)	(dollars)
CEO	¹ 50,000	\$250,000	\$400,000	\$500,000	\$1,000,000	\$2,000,000
	² 25,000		75,000	125,000	375,000	875,000
	³ 25,000			50,000	300,000	800,000

¹ Strike price \$20.² Strike price \$25.³ Strike price \$28.

Commenters are invited to discuss the costs and benefits of the proposed tabular approach. Will the information proposed to be included in this table provide meaningful disclosure regarding the potential realizable value of options and SARs? Will disclosure of gains at various stock price appreciation rates provide a reasonable means of making inter-company comparisons? Comment is requested on the appropriateness of the assumed stock price appreciation rates proposed. Commenters are invited to suggest alternative rates. Are such comparisons necessary or appropriate to an understanding of the registrant's option compensation scheme? Or would Commission-mandated use of a specific option pricing methodology, such as the modified Black-Scholes model commonly used in the pay consulting industry,²⁹ result in more meaningful disclosure? Commenters recommending alternative means of furnishing valuation information should describe in full the methodology and supporting rationale.

Should certain classes of issuers be exempted from one or more of the columnar disclosure requirements based on size (e.g., pursuant to an asset or market capital test, proposed "small business" issuer³⁰ definition, nature of trading market, trading history) or other appropriate criteria?

Registrants whose compensation committees or boards of directors must furnish a signed report explaining the basis for any repricing or other material amendment of outstanding executive stock options and non-tandem SARs

(whether payable in stock or cash),³¹ will be required to add another column reflecting the number of replacement or amended options or freestanding SARs under the heading "Repriced or Amended Options." Comment is sought on the appropriateness of requiring this columnar disclosure.

g. *Other compensation.* All compensation awarded or paid to, or earned by, the named executive officers and executive group during a given fiscal year is to be reported in the Summary Table. It is anticipated that generally all such compensation will be reportable under the preceding columns. Where, however, an executive officer earned, or is paid or awarded compensation that the registrant believes is not properly reported under these columns, and such compensation is not permitted specifically to be excluded, the value of the compensation should be reported in the "Other" column with a footnote disclosing the nature and terms of the compensation.

This column also will be used to report termination or severance awards in excess of \$60,000, including golden parachutes, made or distributed to a named executive officer or member of the executive officer group during the three fiscal years covered by the Summary Table. In a change from current requirements, this information will be required even if paid after the executive ceased being an executive officer, but during a fiscal year covered by the Summary Table.

3. Components of Compensation

a. *Proposed stock option and SAR tables.* Compensatory stock options represent one of the most rapidly growing areas of executive compensation. Recent studies indicate that more than 90% of the leading 200 American industrial and service corporations, respectively, compensate their executives through awards of stock options.³²

Under current requirements, registrants must disclose certain aggregate information with respect to options (alone or with tandem SARs) and freestanding SARs granted during the last fiscal year, including the total number of options/SARs granted, the average exercise price and realized gain (spread) on exercise. Unless the exercise price is less than the stock price at grant, registrants are under no obligation to assign any value to the options or SARs on grant date, or to break out individual grant and exercise information as to price and amount that might serve to reveal repricings or "swaps."³³ certain types of reloads,³⁴ and other risk-diminishing mechanisms. Nor do current disclosure standards call for particularized information on risk-enhancing option features now supported by many shareholders, such as awards of options with strike prices indexed to broader market indices or performance-based vesting requirements.

Under the proposed rules a general description of option and SAR plans no longer will be required. Disclosure instead will focus on the extent of the company's use of options, individualized grant and exercise information, option repricings, and unexercised options and non-tandem SARs payable in stock³⁵

Incentive Grants Among the Top 200 Service Companies 2 (Nov. 1991).

²⁹ An option "swap" is a repricing or replacement of an old option, resulting in an option bearing an exercise price at, or closer to, the current, more favorable market value of the underlying common stock. For example, if an executive is given an option to purchase company stock at \$25 while the stock is trading at or near that price, and the stock price subsequently drops to \$15, the option is not likely to be very valuable. In some cases, a company will cancel an executive's old option with an exercise price of \$25 and replace it with a new option with a \$15 exercise price.

³⁴ As generally understood, a "reload" is an option feature under some compensatory plans providing for the grant of a new option upon the exercise of all or part of the original option before expiration of its term, thereby allowing an executive to benefit several times under a single option award for any rise in the stock price. Depending on the terms of the particular plan, the exercise price may be paid in stock or cash.

³⁵ For purposes of all tables described in Section II.3.a. of this Release, the terms "SAR" and "SAR

Continued

²⁹ See Hewitt Associates, Overview of Long-Term Incentive Valuations 3 (1991).

³⁰ Recently defined by the Commission, in proposing streamlined reporting requirements for small business issuers, as an issuer that meets all of the following criteria:

(1) Had revenues of less than \$15 million during its last fiscal year;

(2) Is not a foreign private issuer or a foreign government;

(3) Is not an investment company; and

(4) Is not a wholly owned subsidiary of a non-small-business issuer.

Securities Act Release No. 6924 (March 11, 1992) [57 FR 9768].

³¹ See section II.A.7., *infra* (discussing this report).

³² Frederic W. Cook & Co., Long-Term Incentive Grants Among the Top 200 Industrial Companies 2 (Nov. 1991); Frederic W. Cook & Co., Long-Term

held by executive officers at year end. To facilitate shareholder understanding, a tabular format for these disclosures will be required. For further information on the general provisions or operation of a plan, shareholders can look to the underlying plan document filed as an exhibit to the Form 10-K reporting on the year the plan was adopted or materially amended.³⁶

Comment is requested on the proposed elimination of general plan description, and the proposed reliance on the plans filed as exhibits as a source of such information. Should a summary description of the terms and operation of the plan continue to be required, either as part of the Form 10-K, or part of an exhibit with the plan?

(1) Option and SAR Report. Under the proposed rules, registrants will be required for the first time to provide in capsulized form the extent of their use of options, alone or in combination with tandem SARs and non-tandem SARs (payable in stock or cash) for compensation at all levels of the company and for executive compensation. The required capsule information must be set forth in the following table:

Option and SAR Summary Report

Total Number of Common Shares Outstanding at Fiscal Year-end.....	_____
Total Number of Common Shares Authorized To Be Granted as Options or SARs.....	_____
Percentage of Total Common Shares Outstanding Authorized.....	_____
Total Number of Options or SARs Granted To Date Under Current Authorization.....	_____
Percentage of Total Authorizations.....	_____
Total Number of Options or SARs Granted in Fiscal Year.....	_____
Total Number of Options or SARs Granted to Named Executives in Last Fiscal Year.....	_____
Percentage of Total Number of Options or SARs Granted to Named Executive Officers.....	_____
Total Number of Options or SARs Granted to CEO in Last Fiscal Year.....	_____
Percentage of Total Number of Options or SARs Granted to CEO in Last Fiscal Year.....	_____
Total Number of Options or SARs Granted to Executive Group in Last Fiscal Year.....	_____
Percentage of Total Options or SARs Granted to Executive Group in Fiscal Year.....	_____

Comment is requested on the utility of the proposed presentation. Is there additional information that should be required, such as the number of options

granted to all non-executive employees and/or non-employee directors?

(2) Option and SAR grants. By contrast with current requirements, which permit aggregation and use of annual weighted average exercise price and narrative disclosure,³⁷ the proposed rules will require a tabular presentation of individual grants of options and non-tandem SARs payable in stock,³⁸ that were made during the preceding fiscal year to each of the named executives and the executive group.³⁹ Through this itemization of awards made to senior executives in a particular year, shareholders will be able to ascertain the precise relationship between the exercise price and the market price on the date of each grant, the number and size of awards made that year, and the expiration date of these instruments. This move to grant-specific presentations is proposed in response to comment that aggregated data has not been sufficiently informative to shareholders.

The proposed tabular format for presentation of information regarding individualized grants of options, alone or in tandem with SARs, or freestanding SARs payable in stock, follows:

INDIVIDUAL GRANTS IN THE LAST FISCAL YEAR

Name	Date ¹	Options granted (#)	SARs granted (#)	Exercise or base price (\$/Sh)	Market price at grant (\$/Sh)	Unconditional vesting date ²	Expiration date
CEO.....	(1).....	.....	.....	.....	.....	.....	.....
	(2).....	.....	.....	.....	.....	.....	.....
	(3).....	.....	.....	.....	.....	.....	.....
#1.....	(1).....	.....	.....	.....	.....	.....	.....
	(2).....	.....	.....	.....	.....	.....	.....
	(3).....	.....	.....	.....	.....	.....	.....
#2.....	(1).....	.....	.....	.....	.....	.....	.....
	(2).....	.....	.....	.....	.....	.....	.....
	(3).....	.....	.....	.....	.....	.....	.....
#3.....	(1).....	.....	.....	.....	.....	.....	.....
	(2).....	.....	.....	.....	.....	.....	.....
	(3).....	.....	.....	.....	.....	.....	.....
#4.....	(1).....	.....	.....	.....	.....	.....	.....
	(2).....	.....	.....	.....	.....	.....	.....
	(3).....	.....	.....	.....	.....	.....	.....
Group.....	.....	.....	.....	.....	.....	.....	.....

¹ Three grants per named executive are shown for illustrative purposes only.

² Continued employment is not deemed a condition of vesting for purposes of this disclosure.

Options granted at the same time but with different terms—such as hurdle rates, other performance-based conditions to exercisability, or staggered vesting periods—shall be treated as separate grants. Additional terms of the

options awarded, including tandem SARs and performance-based conditions to vesting of all or part of an option award, will be disclosed in a footnote to the table. Shareholders and others have expressed concern with

respect to various methods used to minimize or reduce executive risk with respect to option compensation, thereby misaligning managerial and shareholder interests, and have suggested that "reloads" and other risk-minimizing

payable in stock" both will refer to SARs payable in stock, or in stock or cash at the election of the registrant or the executive-recipient.

³⁶ See Form 10-K, Item 14(c); Item 601(b)(10)(iii)(A) of Regulation S-K.

³⁷ Schedule 14A, Item 10.

³⁸ For purposes of this disclosure, non-tandem SARs payable in either stock or cash at the election of the registrant or the executive-recipient will be deemed to be payable in stock.

³⁹ Replacement grants made in connection with option repricing transactions should not be included in this table, but will be disclosed in the Summary Table (see Section II.A.2, *supra*), and the new Compensation Committee Report on Option Repricing discussed *infra*, at Section II.A.7.

features of options be disclosed. Reload option grants, depending upon how they are structured, can reduce or eliminate the risk of option exercise options when stock prices have not reached maximum appreciation levels by automatically granting a new option to replace all, or a part, of the old option. Similarly, tax reimbursement mechanisms providing for registrant funding of all or a portion of an executive's exercise tax are of substantial interest to shareholders. The proposed rules will require risk diminishing or tax reimbursement arrangements to be disclosed in a footnote to the grants to which they apply. Finally, options and SARs granted in connection with the repricing or similar amendment or adjustment of a material option or SAR term would not be reported here, but instead in a

separate, more detailed table illustrating a ten-year history of such transactions.⁴⁰

The Commission requests comment on the need for, and utility of, individualized grant information. Is grant-specific data necessary in view of other option information proposed to be required? Should the table cover more than the last fiscal year? Are there other features of option or non-tandem SAR awards that should be disclosed in the grant table or footnote thereto? Should option or SAR repricings or similar transactions be included in this table, as well as the Summary Table and separate Ten-Year Option/SAR Repricing Table? Is there information required that is unnecessary or unduly burdensome?

(3) Option and SAR exercises. Option and freestanding (stock only) SAR

exercise data likewise will be disclosed in tabular form, on a transaction-by-transaction basis, for the named executives and the executive group. Two items have been added to information now required with respect to option exercise. First, registrants will have to disclose at what point in the term of the options an executive chose to exercise. Commenters contend that how soon options are exercised is important in assessing how effectively these compensatory devices are linked to long-term company performance. Second, at the suggestion of some corporate commenters, the table includes a column reflecting annualization, from grant to exercise, of the gain realized.

INDIVIDUAL EXERCISES IN THE LAST FISCAL YEAR

Name	Shares acquired on exercise (number) ¹	Year granted	Year of expiration	Annualized gain (dollars)	Total gain realized (dollars)
CEO					
#1					
#2					
#3					
#4					
Group					

¹ Lines reflective of three exercises per executive have been added solely for illustrative purposes.

Comment is requested as to the need for individualized exercise information. Is any of the information proposed unnecessary? Or are there additional items that should be included? Should the table cover more than the last fiscal year?

(4) Options (and SARs) held at fiscal year-end. Finally, the proposed rule would require a report of the total number of options held by executive officers at year end, distinguishing between vested and unvested, and the aggregate amount by which the market

value of shares subject to options and SARs exceeds the exercise price of in-the-money options and freestanding SARs (payable only in stock) at the end of the fiscal year.

The proposed table is depicted below:

UNEXERCISED OPTIONS HELD AT FY-END ¹

Name	Total number unexercised options held at FY-end		Value of unexercised, in-the-money options at FY-end (dollars)	
	Vested	Unvested	Vested	Unvested
CEO				
#1				
#2				
#3				
#4				
Group				

¹ For purposes of this table, the term options includes freestanding SARs payable only in stock, or freestanding SARs payable in stock or cash at the election of the registrant or the executive-recipient.

As proposed, the disclosed unrealized "spread" information would disregard underwater options, and freestanding SARs whose base price exceeds the stock's market price, in calculating the total number of outstanding options or

rights. To do otherwise would erroneously suggest that such out-of-the-money rights would have an effect on the amount realized with respect to other options/SARs.

Commenters should address whether, as part of the table or a footnote thereto, disclosure should be required of the weighted average strike prices for vested and unvested options, as well as

⁴⁰ See Section II.A.7., *infra*.

for in-the-money or out-of-the-money options.

b. *Restricted stock.* The proposed rules include a required table with respect to restricted stock that will show the specifics of grants made during the year, the restricted period and the total number of restricted shares held by executive officers, with other applicable restrictions or conditions on vesting to be disclosed by footnote. Aggregated grant information for each named executive and the group will be sufficient, although individualized grant information will be required if the terms—e.g., restricted period or other conditions for vesting—vary among grants to the same executive officers. Footnote disclosure will be required if the board or compensation committee reserves the right to eliminate or reduce a restriction or condition. Should the table cover grants made in the last three fiscal years? Is additional information

necessary or appropriate? Is any of the proposed information unnecessary or unduly burdensome?

The proposed table follows:

RESTRICTED STOCK TABLE

Name	Restricted shares granted in last fiscal year	Length of restricted period	Total number restricted shares held at FY-end	Aggregate market value restricted shares at FY-end (dollars)
CEO				
#1				
#2				
#3				
#4				
Group				

c. *Long-term incentive compensation.* Perhaps the most complex and confusing

of executive compensation disclosure elicited by current requirements is that related to long-term incentive ("LTI") plans. The difficulties of presenting clear and concise information with respect to these plans are exacerbated greatly where there is a multiplicity of such plans. The proposed rules seek to address this concern by requiring a formatted presentation that focuses principally on the terms of instruments awarded, paid or earned under LTI plans during the registrant's last fiscal year.

A. STOCK PRICE BASED PLANS—LAST FISCAL YEAR

Name	Awards			Payouts
	No. of shares, units or other rights	Grant-date value, if determinable	Performance or other period until maturation or payout	(Dollars or dollar value stock)
CEO				
#1				
#2				
#3				
#4				
Group				

B. NON-STOCK PRICE BASED PLANS—LAST FISCAL YEAR

Name	Awards				Payouts
	Target value(s) (max./min./actual)				(\$ or \$ value of stock)
	Award (\$/units)	Cash denominated (\$) (max./min./actual)	Stock denominated (#) (max./min./actual)	Performance or other period until maturation or payout	
CEO					
#1					
#2					
#3					
#4					
Group					

Table A is designed to elicit information as to each award and payout made to the named executives, and all such awards or payouts made to the group, pursuant to long-term incentive arrangements under which the measurement of benefits to be received by the executive after a period of more than one year is a function of movements in the market price of the

underlying registrant security. Among the diverse arrangements meeting this broad standard would be plans under which grants are made of phantom stock (in "shares" or options), freestanding, cash-only SARs, restricted stock units or dividend equivalents. Likewise reportable in this table would be performance shares payable solely on the basis of stock price performance,

and not dependent on achievement of any corporate or other non-stock price performance hurdle. Similar information for other LTI instruments tied to stock price appreciation in the form of options and freestanding SARs payable solely in stock will be reported elsewhere, in the tabular option/SAR series, and therefore will not be included in this table.

Each award and earn-out or settlement under LTI plans based on criteria other than market price will be set forth in Table B individually for the named executives and, in the aggregate, for the group. Coverage therefore will extend, but not be limited to, performance-based plans linked directly or indirectly to corporate financial measures, or payments or settlements under deferred compensation arrangements. For example, the cash value of insurance-funded deferred compensation upon "roll-out" to the executive will be reported as a payout. Absent a fixed target award, registrants could include an amount, or high or low range of amounts, respectively, that potentially might be payable, or simply indicate in the table the absence of any

calculable range of potential values. The table will identify plans under which actual or deferred cash or cash-equivalent settlements or payouts were made during the latest fiscal year and reported in the proposed Summary Table. Material performance-related or other governing criteria, including the time period over which the measure of benefits will be determined, will be listed in one or more footnotes to the table. The description of these criteria need not include specific performance targets.

The following hypothetical illustrates the use of these tables:

Illustration

Registrant ABC has established an omnibus long-term incentive plan for its

top executives under which several instruments tied to stock price appreciation or financial performance measures are available. Awards and pay-outs of stock-related incentives to the CEO are disclosed in the first of the following tables, or Table A, while other long-term incentive awards and payouts to the CEO are disclosed in Table B.

As reflected in column (b) of Table A below, grants of cash-only SARs and restricted stock units ("RSUs") were made to the CEO in ABC's last fiscal year. A \$2 million cash payment upon realization of previously awarded, cash-only SARs is shown in column (e) of the table.

STOCK PRICE BASED PLANS—LAST FISCAL YEAR

(a) Name	Awards			Payouts
	(b) Number of shares, units or other rights	(c) Grant date value if determinable	(d) Performance or other period until maturation or payout	(e) Dollars or dollar value stock
CEO	100,000 cash only SARs, at \$65.00/share. 20,000 RSUs	\$1,300,000	2 years 5 years	\$2,000,000 net value from realized cash-only SARs.

Under the performance unit provisions of ABC's omnibus plan, realization of cash-denominated units awarded thereunder is contingent upon the attainment of a minimum average annual compound growth in earnings per share ("EPS") of common stock of 20% over a three-year performance cycle. To permit evaluation of performance against this performance target at the end of the three year period, the value of each unit is

established at the beginning of this cycle. The target value of \$60 per unit is based on reaching 100% of the EPS goal, with a minimum value of \$20.00/unit at 90% of the target and a maximum value of \$120/unit at 130% of the target. If the 90% benchmark is not reached, the executive-recipient receives nothing. As reflected in column (b) of the table below, the CEO of Registrant ABC was granted 100,000 performance units in the last fiscal year, at a 100% target value of

\$60.00 per unit, resulting in a potential total value of \$600,000. Consistent with the proposal, the footnote to this column does not disclose the specific EPS target, but simply explains the range of target values reflected in column (c) of the table. During the last fiscal year, as shown in the payout column (f), the CEO also earned a cash payment of \$350,000 upon maturation of a performance unit award made three years ago.

NON-STOCK BASED PLANS—LAST FISCAL YEAR

(a) Name	Awards			Payouts
	(b) Award ¹ (\$/units)	Target value(s) (max./min./actual)		
		(c) Cash denominated (\$ (max./min./actual)	(d) Stock denominated (#) (max./min./actual)	(e) Performance or other period until maturation or payout
CEO	\$600,000/100,000 units	\$120/20/60		3 years
				\$350,000

¹ The value shown in column (b) reflects the potential value of the 100,000 performance units granted to the CEO in the last fiscal year under ABC's Long-Term Performance Plan at a target value of \$60 per unit, payable at the end of the three-year performance period if 100% of the targeted cumulative earnings per share growth rate is achieved at that time.

² Received upon settlement of 50,000 performance units granted in fiscal year 1989.

Commenters should discuss whether the proposed tables are preferable to narrative textual disclosure of awards and earn-outs paid or deferred under

long term incentive plans. Are there alternative formats that would provide clearer and more concise disclosure? Is the information proposed to be required

necessary, or can the data be streamlined further without depriving shareholders of material pay-related information? Is any additional

information necessary? For example, should the registrant disclose both the maximum possible performance target payout as well as the minimum level of corporate or other performance necessary to satisfy the requirements under a particular performance-based plan? Should the tables cover more than the latest fiscal year?

d. *Disclosure of pension and other retirement compensation.* The Commission is proposing rule changes that will streamline substantially the currently prescribed disclosure of pension and other retirement benefits. Of the plan-related information now required to be disclosed under Item 402, only annual registrant contributions, payments or accruals on behalf of a named executive or the executive group, and potentially payable benefits if determinable, will continue to be required. Annual amounts contributed or paid by registrants to retirement plans on behalf of senior executives will be reported in the proposed Summary Table. Estimates of accrued or potential post-retirement benefits, whether payable under defined contribution or defined benefit or actuarial plans, will continue to be disclosed in tabular or narrative form in accordance with existing provisions of Item 402(b).

The Commission wishes to remind registrants of their obligation under current Item 402(b)(1) to identify the entire pensionable compensation base, and to include all prospective benefits in the table, whether payable under qualified or non-qualified employee benefit plans. The requirements have been revised to make clear that all compensation included by the registrant in the pensionable compensation base under its pension plan must be disclosed.

The Commission also is proposing to eliminate now-mandated disclosure of information on the terms of broad-based, nondiscriminatory plans that are qualified under the federal tax code and meet applicable standards of the Employee Retirement Income Security Act of 1974 ("ERISA").⁴¹ Since retirement benefits are computed under the same plan formula for all employees, from the CEO to the hourly worker, there appears to be little need for detailed disclosure beyond the registrant contributions and the annualized stream of estimated post-retirement benefits that would continue to be disclosed for each of the named executives pursuant to the pension table or alternative disclosure formats

presently required.⁴² Discriminatory plans pursuant to which otherwise disclosed benefits are to be paid or accrued exclusively for senior executives, such as excess benefit and supplemental executive retirement plans, will continue to be available for review as exhibits to the Form 10-K for the year in which they were adopted or materially amended.

Commenters' views on the relative costs and benefits of the new streamlined disclosure scheme are solicited. In particular, commenters should discuss whether any of the plan information proposed to be eliminated should be retained. Comments also are invited with respect to additional improvements that could be made in the presentation of retirement benefits.

4. *Enhanced beneficial ownership information.* Many corporate and shareholder commenters alike have stated that the most effective means of assessing the alignment of stockholder and management interests is by examining the nature and extent of management equity ownership in the company. Existing rules, however, call merely for disclosure of security ownership by executive officers only as a group with directors and nominees, unless a particular executive is a member of the registrant's board of directors or owns more than five percent of the registrant's outstanding stock.⁴³ The Commission therefore has proposed, at the suggestion of these commenters, a new table reporting senior executives' equity-based holdings as follows:

TOTAL COMMON EQUITY BASED HOLDINGS

Name	Unrestricted stock beneficially owned, excluding options/SARs	Option shares (#)	Restricted stock (number)
CEO			
#1			
#2			
#3			
#4			
Group			

SARs payable only in stock, or in stock or cash at the election of the registrant or the executive-recipient, will be included in option shares.

Comment is requested on the need for such a table in view of the other information proposed to be required.

Should the Commission simply require disclosure of senior executive officers' beneficial ownership of stock?

Some proponents of such a table have included as equity-based holdings cash payable, stock-based incentives such as cash-only SARs and certain phantom stock units. The Commission specifically requests comment as to whether inclusion of such instruments in the table would be appropriate and if so, how it would be fairly measured and described.

5. *Board compensation committee report on executive compensation.* Boards of directors are obligated, as state-law fiduciaries, to protect the interests of shareholders through effective monitoring of senior executive performance. An important aspect of this duty, frequently discharged by the board through a compensation committee, is determining the level and structure of compensation that is appropriate for senior executives. Shareholders who ultimately fund executive compensation packages are entitled to know the basis for the board's compensation decisions. Accordingly, the Commission is proposing to require the compensation committee or, in its absence, the entire board of directors, to provide a signed report disclosing its specific rationale for compensation paid to each of the named executive officers in the last fiscal year ("Compensation Committee Report") and the relationship of compensation paid to company performance. Along with a clear understanding of the actual compensation package, this report will provide shareholders a sounder basis for assessing how well directors are representing their interests. Thus informed, shareholders can vote as they deem warranted when called upon either to return the incumbent directors to office, or to approve executive and director compensation plans subject to a shareholder vote.

The proposal will add a new requirement for a compensation committee report on the executive compensation policies and practices applied specifically to awards made to the CEO and the remaining four most highly paid executives during the preceding fiscal year. If the registrant has no standing compensation committee, the report must be furnished by the board of directors or any other board committee to which responsibility for executive compensation decisions has been delegated or assigned. Like the currently required management's

⁴¹ Public Law No. 93-406, 88 Stat. 829 (1974), as amended (29 U.S.C. 1001 *et seq.*).

⁴² See Item 402(b)(2) of Regulation S-K.

⁴³ Item 403(b) (incorporated in 14A Item 6(d)).

discussion and analysis ("MD&A"),⁴⁴ this report is intended to bring shareholders into the compensation committee or board meeting room and permit them to see and understand the specific decisions made through the eyes of the directors. In particular, disclosure will be mandated of the committee's (or board's or other committee's) consideration of the relationship of each senior executive's compensation to the registrant's performance for that particular year, including a description of the specific elements of performance (e.g., earnings, quality rate, market share) relied on in making the award to the particular executive.

As with the MD&A, to which the Compensation Committee Report is an analogue, the new requirements are intended to result in a very specific discussion, particularized both with respect to the company and to each of the individual named executives. A generalized discussion of compensation practice or policy thus would not comply with the proposed requirements. Boilerplate disclosure that could apply registrant-to-registrant, or year-to-year for the same registrant, likewise would be totally unresponsive to the requirements.

6. *Performance presentation.* To complement the discussion by the

compensation committee (or board or other committee) of the relationship of executive compensation to corporate performance in a given fiscal year, registrants will be required to provide a line graph in the form prescribed comparing cumulative total shareholder return with a performance indicator of the overall stock market, the S&P 500 Stock Index, and either a nationally recognized industry index or a registrant-constructed peer group index⁴⁵ over a minimum term of five

⁴⁴ Total shareholder return in a given year equals total dividends paid out and the year-end stock price less the previous year-end stock price (adjusted as necessary for stock dividends and splits) divided by the previous year-end stock price. After converting the earliest year into a base amount, and showing each subsequent year relative to that base, registrants then would compare return against the "market" by charting in the same graph the total shareholder return of the S&P 500 Stock Index and the industry index using the same base.

Cumulative return in a given year equals cumulative dividends paid out since the base year, plus the year-end stock price (adjusted as necessary for stock dividends and splits since the base year), less the base year price, divided by the base year price.

Thus, for example, computing cumulative return for each year of the five year period ending December 31, 1991, would require that for 1987 the closing stock price on December 31, 1987, be added to dividends paid in 1987, minus the stock price on December 31, 1986 (the "base year"), divided by the base year price. For 1988, the closing stock price on December 31, 1988, would be added to the cumulative dividends from the base year through December 31, 1988, minus the base year price, divided by the base year price. To the extent a 2 for

years.⁴⁶ Registrants would be free to use a longer time frame. To illustrate:

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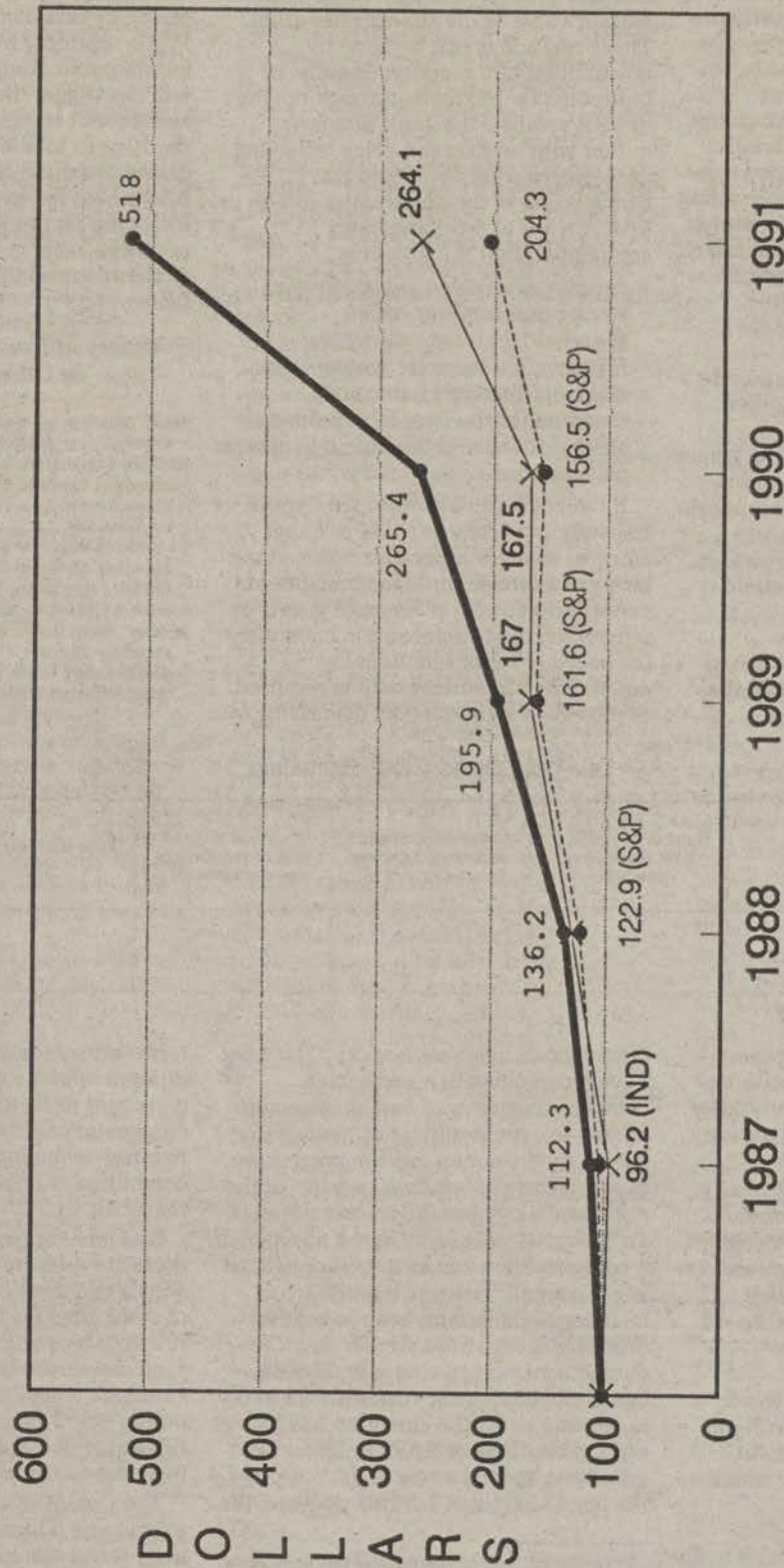
1 stock split occurred in 1988, the closing stock price on December 31, 1988 would be multiplied by two with a corresponding adjustment in the dividends paid. This process would continue through and including 1991.

Returns may be presented either on a reinvested or noninvested dividend basis. Published figures for total return for the S&P 500 are calculated on a reinvested dividend basis; i.e., dividends are used to purchase more stock. However, registrants may calculate total return for the S&P 500 without assuming reinvested dividends by dividing the sum of the change in the price level of the index and the dividends paid by the index's opening price at the beginning of the fiscal year. Such data may be obtained directly from Standard & Poor's or from a library subscribing to S&P publications. S&P also publishes various industry indices, which are publicly available. In order to preserve comparability between the total return figures, registrants must calculate the return on the S&P 500 Stock Index, any other industry index and the return on its own stock in the same manner.

⁴⁶ Academic research suggests a positive significant relationship between annual changes in executive compensation and annual changes in corporate performance. See Jensen & Murphy, *Performance Pay and Top-Management Incentives*, 98 J. Pol. Econ. 225, 226-27 (1990); R. Lambert D. Larcker, *Executive Compensation, Corporate Decision Making, and Shareholder Wealth*, reprinted in *Executive Compensation: A Strategic Guide for the 1990s* 112 (F. Foulkes, ed. 1991). Commentators caution, however, that "[s]uch findings should not be taken to imply that American corporations have attained the optimum in incentive compensation. In fact, the coefficients measuring the correlation between [executive] compensation and shareholder returns, although statistically significant, are rather small." Lambert & Larcker at 112.

⁴⁴ See Item 303 of Regulation S-K [17 CFR 229.303].

ILLUSTRATIVE EXAMPLE

COMPARISON OF FIVE YEAR CUMULATIVE TOTAL RETURN*
JLC CORP, S&P 500 INDEX & RECOGNIZED INDUSTRY INDEX

ASSUMES \$100 INVESTED ON DECEMBER 31, 1986
IN JLC COMMON STOCK, S&P 500 INDEX & RECOGNIZED
INDUSTRY INDEX

* TOTAL RETURN ASSUMES REINVESTMENT OF DIVIDENDS

BILLING CODE 8010-01-C

As noted, registrants would be required to include comparisons to returns on peer group companies. Disclosure would be required of the companies included in the peer group, unless the registrant is using a recognized industry index. In such case, the registrant simply would identify the index used. If the registrant chooses to construct its own peer group index, the returns of each of the component companies must be weighted according to the respective companies' market capitalization. While the proposed rules give registrants flexibility in determining whether to calculate total return with or without the reinvestment of dividends, commenters should address whether registrants should be required to calculate return on a reinvested dividends basis.

Registrants would be free to provide additional presentations using other measures of performance for comparable periods. For example, where the Compensation Committee Report indicates reliance on specified corporate performance criteria in formulating senior executive compensation awards, the registrant may choose to include graphs based on such criteria.

Comment is requested on the proposed comparative presentation of the return to shareholders. Should the Commission require additional

presentations of performance; e.g., return on equity?

7. *Report on option repricing.* One of the current compensation practices that has been subject to substantial criticism is the repricing of options to lower the exercise price following a decline in the market value of the shares after grant. These repricings can be done by amendment of the option directly, or indirectly; for example, through option or SAR swaps—the grant of a new option with an exercise price reflecting the lower market value and the cancellation of the underwater option or SAR. Critics of repricing have complained that the practice:

- Permits executives to benefit from stock price declines while shareholders incur real losses;
- Effectively eliminates whatever risk stock options may have; and
- Undermines the long-term nature of stock options and the link to long-term performance.

If the company has repriced options or freestanding SARs payable in either stock or cash, or otherwise reduced the terms of exercise through amendment, cancellation and replacement grants or otherwise, the compensation committee (or board or other functionally equivalent committee) will be required to provide a signed report discussing in

detail the reasons for such adjustments. As noted above, shareholders have substantial reservations about repricing of options, and clearly are interested in the reasons underlying such action. As part of this report, extensive information concerning repricing practices in the prior 10 years also would be required. While repricing transactions effected before publication of these proposals will not trigger the mandated disclosure, subsequent repricing action will result in the 10-year look back, and thus require disclosure of all repricing of options or SARs held for executive officers, including repricings prior to publication of this release.

The required tables are set forth below.

Summary of Executive Option Repricing or Other Adjustment

Total Number of Options Outstanding Over 10-Year Period.....	_____
10-Year Cumulative Percentage of Outstanding Options Held by CEO that Were Repriced or Otherwise Adjusted or Amended.....	_____
10-Year Cumulative Percentage of Outstanding Options Held by Executive Officers that Were Repriced or Otherwise Adjusted or Amended.....	_____
10-Year Cumulative Percentage of Outstanding Options Held by Other Employees that Were Repriced or Otherwise Adjusted or Amended.....	_____

TEN-YEAR OPTION/SAR REPRICING

Name	Date	Number of options/ SAR repriced or amended	Market price of stock at time of repricing or amendment (\$)	Exercise price at time of repricing or amendment (\$)	New exercise price (#)	Length of original option term remaining at date of repricing or amendment

Comment is solicited on the report and information required. Is additional information required? Are there similar transactions that warrant comparable treatment?

8. *Report on relationships of compensation committee or board members with registrant.* Additional information concerning the relationships between compensation committee members (or all members of the board or other functionally equivalent committee, in the absence of a compensation committee) and the registrant and related entities will be required in those situations in which shareholders may have greater concerns about the independence of the compensation setting process. This additional information is proposed to be required where (1) the company (other

than a small business issuer)⁴⁷ does not have a compensation committee comprised entirely of outside directors; (2) any executive officer of the registrant serves on the compensation committee of a company of which a member of the registrant's compensation committee is an executive officer, or in the absence of a compensation committee (if registrant is not a small business issuer), a member of the board, is an executive officer of a registrant whose compensation committee (or, if none, board) includes executive officers of the registrant; or (3) the company has repriced options or SARs to lower or otherwise reduce terms of exercise in the last fiscal year. For this purpose, the

⁴⁷For the applicable definition of this term, see n. 29, *supra*.

term "outside director" refers to a director who is not an employee of the registrant or its affiliates. In such circumstances, extensive information bearing on the independence of the committee or board members will be required.

Comment is requested as to whether there are additional situations that should require the enhanced disclosure of committee (or board) members relationships with the registrant. Should such disclosure be required, for example, where the registrant's CEO sits on the board of another company, the CEO of which is a member of the registrant's compensation committee?

The Commission is proposing to except small businesses from the heightened disclosure of relationships where triggered by the absence of a

compensation committee composed entirely of non-employee directors, or cross-board membership where there is no compensation committee. The proposed exception reflects a recognition that small businesses frequently do not have outside directors to the same degree as larger companies. Comment is requested as to the appropriateness or necessity of such exceptions for small business issuers, and the appropriateness of the definition of small business issuer.

Comment is also requested as to whether the term "outside director" should be defined to exclude directors that would not meet the standard of independence set by the New York Stock Exchange for membership on listed companies' audit committees.⁴⁸ Are there other relationships that should fall outside the scope of the term "outside director"?

The proposed disclosure of relationships would be required under the title of relationships of compensation committee members with the registrant. The information proposed to be required would include:

Identification of all interlocking compensation committee (or board) memberships

For the previous three fiscal years, all contracts, loans, fees, awards, or financial interests, direct or indirect (whether contingent or fixed), in excess of an aggregate amount of \$60,000 between the registrant or any of its affiliates and the committee (or board) member.

A description of any means by which, directly or indirectly, each member of the compensation committee (or board) could benefit from actions of the registrant or any of its executive officers.

A description of all discussions between any senior executive officer of the registrant and each member of the compensation committee (or board) with an interlocking relationship concerning compensation matters pertaining to either company or entity.

⁴⁸ See section 303.00 of the New York Stock Exchange Manual, requiring:

[A]n Audit Committee comprised solely of directors independent of management and free from any relationship that, in the opinion of its Board of Directors, would interfere with the exercise of independent judgment as a committee member. Directors who are affiliates of the company or officers or employees of the company or its subsidiaries would not be qualified for Audit Committee membership. A Director who was formerly an officer of the company or any of its subsidiaries may qualify for membership even though he may be receiving pension or deferred compensation payments from the company if, in the opinion of the Board of Directors, such person will exercise independent judgment and will materially assist the function of the committee. However, a majority of the Audit Committee shall be directors who were not formerly officers of the company or any of its subsidiaries.

9. *Director compensation.* No change to director compensation disclosure requirements is proposed. Comment is requested, however, whether separate tables should be mandated for specific items of director compensation, or whether directors should be included with executive officers in the various proposed tables. Should directors who are also employees of the company be included in addition to the CEO and the four most highly compensated executive officers, regardless of whether their annual compensation exceeds the threshold for individualized disclosure? Is additional information with respect to director compensation necessary?

Questions have arisen under the current rules as to their application in the case of "charitable award" or "director legacy" programs.⁴⁹ Under such programs, registrants typically agree to make a future donation to one or more charitable institutions in a participating director's name, payable by the registrant upon the director's death or retirement, or some other designated event. Funding vehicles for these programs commonly take the form of corporate-owned insurance policies on the lives of participating directors.

Companies have maintained that these arrangements need not be disclosed, since the directors are not receiving value through the arrangement. Others argue, however, that such arrangements should be disclosed to shareholders since the arrangements clearly are made with the directors in consideration of their board service, the premiums can be considerable, particularly relative to amounts paid annually to directors, and are material in assessing the relationship of directors to the registrant. Based on these considerations, such arrangements in the future will be required to be disclosed pursuant to the requirements of item 402(d). The Commission requests comment on the appropriateness of requiring disclosure of such arrangements. Should Item 402(d) be amended to add a specific requirement for disclosure of any other arrangement entered into with the director in consideration of board service?

10. *Information required in connection with shareholder approval of a compensation plan.* The disclosure to be included in the proxy statement if shareholder action is to be taken with respect to any compensation plan is prescribed by Item 10 to Schedule 14A. In addition to extensive disclosure concerning the plan subject to approval,

⁴⁹ See "Lure of Legacies Perks Up Directors," Wall St. J., Sept. 28, 1992, at B1, B7.

the current requirements require substantial disclosure with respect to all existing compensation plans, and compensation paid thereunder in the prior three fiscal years.

No substantive change is proposed to be made to the information required with respect to the plan to be approved, other than to mandate tabular presentation of amounts that (depending on their determinability) will be paid in the future, or would have been paid in the past. Registrants would indicate in a footnote whether benefits were computed as having been paid hypothetically in the last year, or estimated as payable in the future, in accordance with the plan formula or other criteria.

Under the proposal, the requirements with respect to disclosure of plans other than the plan(s) subject to a shareholder vote will be eliminated. Similarly, given the proposed revision of Item 402 compensation disclosure requirements, the additional requirements under Item 10 with respect to compensation awarded, paid or accrued in the past three years is proposed to be eliminated. Those commenters who believe that the three-year data on all existing plans that will be presented in the proposed Summary Table would not suffice to meet shareholders' informational needs when solicited to vote on a plan should indicate what other compensation information is necessary to disclose on a three-year basis, or what additional plan information is appropriate. Would it be necessary or appropriate, for example, that Item 10 mandate that each table required under Item 402 cover the last three years, when a new benefit plan is to be voted upon?

If the plan to be acted upon is set forth in a written document, existing Item 10 requires that three copies of this document be filed with the preliminary proxy statement and form of proxy. Comment is requested as to whether the Commission should revise this requirement to mandate filing of the written plan document with the definitive proxy statement, thus making the plan more readily available to the public.

B. Form 10-K Compensation Disclosure

No change is proposed to the Item 11—Executive Compensation of Form 10-K, other than a technical revision to reflect the proposed amendment to Item 10 of Schedule 14A. However, with the proposed deletion of the mandatory plan descriptions from existing Item 402, the Commission requests comment as to whether the Item should be amended to require an itemization of all benefit

plans required to be filed as exhibits, and identification of the Commission filing with which a particular plan has been filed in exhibit form. Should the Item be amended to require a summary of all employee benefit plans that are not broad-based? Should registrants be required to refile the entire plan in the case of material amendments? Are other revisions necessary or appropriate in view of the proposed amendments to Item 402 of Regulation S-K and Item 10 of Schedule 14A?

III. General Request for Comment

Any interested persons wishing to submit written comments on the proposed amendments to Item 402 of Regulation S-K and related rules and regulations, as well as on other matters that might have an impact on the proposals set out in this release, are invited to do so by submitting them in triplicate to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Stop 6-9, Washington, DC 20549. Comment is requested as to the potential impact of the proposals on such matters as tax planning and regulatory burdens from the viewpoint of the public, as well as the entities or persons making filings with the Commission. These comments will be considered by the Commission in complying with its responsibilities under Section 19(a) of the Securities Act.⁵⁰ The Commission also requests comment on whether the proposals, if adopted, would have an adverse effect on competition that is neither necessary nor appropriate in furthering the Exchange Act. Comments responsive to this inquiry will be considered by the Commission in complying with its responsibilities under section 23(a) of the Exchange Act.⁵¹ Comment letters should refer to File No. S7-16-92. All comments received will be available for public inspection and copying in the Commission's Public Reference Room, 450 Fifth Street, NW., Washington, DC 20549.

IV. Cost-Benefit Analysis

As an aid in the evaluation of the costs and benefits of these proposals, the Commission requests the views and other supporting information from the public. It appears to the Commission that the benefit to be gained by amending existing compensation disclosure requirements to require registrants to provide clear and useful information to shareholders outweighs the costs associated with implementing these proposals.

V. Summary of Initial Regulatory Flexibility Analysis

The Commission has prepared an Initial Regulatory Flexibility Analysis in accordance with 5 U.S.C. 603 regarding the proposed revisions. A copy of the Analysis may be obtained from Catherine Dixon, Division of Corporation Finance, U.S. Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549.

The analysis notes that the proposed rules may have an impact on small entities. However, the Commission notes that proposed Regulation S-B, applicable to small business issuers,⁵² may not incorporate the changes proposed for Regulation S-K. As part of the effort to facilitate capital creation by small businesses and reduce compliance burdens under the federal securities laws, the Commission proposed earlier this year, among other initiatives, Regulation S-B, a simplified regulatory scheme for "small business issuer[s]." Proposed Regulation S-B adopts the current disclosure scheme of Form S-18, which essentially mirrors present Item 402 of Regulation S-K. Comment is requested on whether the proposals should extend to issuers falling within the proposed definition of small business issuer. Should the definition be expanded solely for purposes of the proposed Item 402 and Schedule 14A revisions to exempt a broader class of issuers, or instead to limit any such exemption to the smallest issuers, as defined by an asset or market capitalization test?

Comment is solicited on the impact of the proposed revisions on small entities. Should the proposed disclosure revisions be modified in any way to address the needs of small businesses, however defined?

VI. Statutory Basis

The amendments contained herein are being proposed pursuant to sections 3(b), 6, 7, 8, 10, and 19(a) of the Securities Act and sections 12, 13, 14(a), 15(d), and 23(a) of the Exchange Act.

List of Subjects in 17 CFR Parts 229 and 240

Reporting and recordkeeping requirements, Securities.

Text of Proposed Amendments

In accordance with the foregoing, title 17, chapter II of the Code of Federal Regulations, is proposed to be amended as follows:

PART 229—STANDARD INSTRUCTIONS FOR FILING FORMS UNDER THE SECURITIES ACT OF 1933, SECURITIES EXCHANGE ACT OF 1934 AND ENERGY POLICY AND CONSERVATION ACT OF 1975—REGULATION S-K

1. The authority citation for part 229 continues to read as follows:

Authority: 15 U.S.C. 77e, 77f, 77g, 77h, 77j, 77k, 77s, 77aa(25), 77aa(26), 77ddd, 77eee, 77ggg, 77hhh, 77jjj, 77nnn, 77sss, 781, 78m, 78n, 78o, 78w, 80a-8, 80a-29, 80a-30, 80a-37, and 80b-11, unless otherwise noted.

2. By revising § 229.402 to read as follows:

§ 229.402 (Item 402) Executive compensation.

(a) *General.* (1) All information disclosed pursuant to this section shall be presented in a clear, concise and understandable fashion.

(2) This section requires disclosure of all plan and non-plan compensation awarded or paid to, or earned by, the named executive officers and executive group designated under paragraph (a)(3) of this section, whether by or on behalf of the registrant and its subsidiaries, during the applicable fiscal year(s).

Instruction to Item 402(a)(2)

The term "plan" includes, but is not limited to, the following: any plan, contract, authorization or arrangement, whether or not set forth in any formal documents, pursuant to which the following may be received: cash, stock, restricted stock, phantom stock, stock options, stock appreciation rights, stock options in tandem with stock appreciation rights ("SARs"), warrants, convertible securities, performance units and performance shares. A plan may be applicable to one person. Registrants may omit information regarding group life, health, hospitalization, medical reimbursement or relocation plans that do not discriminate in scope, terms or operation, in favor of officers or directors of the registrant and that are available generally to all salaried employees.

(3) *Persons covered.* Disclosure shall be provided pursuant to this section for:

(i) The registrant's Chief Executive Officer ("CEO"), or any individual acting in a similar capacity, and each of the registrant's other four most highly compensated executive officers, whose annual compensation computed in accordance with paragraph (b)(2)(ii) of this section exceeds \$100,000 (the "named executive officer"); *provided, however, that information with respect to the registrant's CEO or any individual*

⁵⁰ 15 U.S.C. 77s(a).

⁵¹ 15 U.S.C. 78w(a).

⁵² See Securities Act Rel. No. 6924 (March 11, 1992) [57 FR 9768], *supra* n.29.

acting in a similar capacity shall be included without regard to the specified threshold; and

(ii) all executive officers as a group (the "executive group").

Instructions to Item 402(a)(3)

1. Registrants are reminded that it may be appropriate in certain circumstances to include an executive officer of a subsidiary in the disclosure required by this section. See Rule 3b-7 under the Exchange Act [17 CFR 240.3b-7.]

2. In certain circumstances, it may be appropriate for a registrant not to include in the disclosure required by this section, an individual, other than its Chief Executive Officer, who is one of the registrant's five most highly

compensated executive officers. Among the factors that should be considered in determining not to name an individual is the distribution or accrual of an unusually large amount of compensation (such as bonus or commission) that is not part of a recurring arrangement and is unlikely to continue.

3. Provide information on compensation awarded, paid, earned or distributed for the entire fiscal year, even if an individual covered by this paragraph is an executive officer only during a portion of a covered fiscal year. With respect to an individual who becomes for the first time an executive officer whose compensation is to be reported pursuant to this section, it is not necessary to report compensation for prior years that would have been

reported pursuant to this section had the individual been included in prior years.

(b) *Summary Table.* (1) *General.* The information specified in paragraph (b)(2) of this section, concerning the compensation awarded or paid to, or earned by, each of the named executives individually and the executive group in the aggregate, during each of the registrant's last three fiscal years shall be provided in a Summary Compensation Table, in the tabular format specified below. All compensation awarded or paid to, or earned by the named executive officers and the executive group during such period shall be included, unless specifically permitted to be excluded by this section.

SUMMARY COMPENSATION TABLE

Year	Name and principal position or number in group	Annual compensation			Long term compensation					
		Salary (\$)	Bonus (\$)	Other compensation (\$)	Restricted stock award(s) \$	Accrued dividends on restricted stock (\$)	Long-term incentive payouts (\$)	Stock options (#)	SARs (#)	Other (\$)
	(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)
	CEO									
	Group									

(2) The following information shall be provided in the Table:

(i) Name and principal position of each named executive and number of persons in the executive group (column (a));

(ii) Annual compensation (columns (b), (c) and (d)), including:

(A) Dollar value of base salary either paid, or earned but deferred (column (b));

(B) Dollar value of cash and non-cash bonus either paid, or earned but deferred, including bonus stock (column (c)); and

Instructions to Item 402(b)(2)(ii)(A) and (B)

1. Dollar value of annual compensation that a named executive elects to forego in exchange for long-term compensation in the form of restricted stock or stock options need not be included in annual compensation totals, and should be reported as long-term compensation in column (e) or (h), as appropriate. However, a footnote to the appropriate annual compensation column should explain that election and

the amount foregone. However, for purposes of determining the most highly paid executive officers pursuant to paragraph (a)(3) of this section, the foregone amount is considered a component of annual compensation for that fiscal year.

2. For non-cash compensation, disclose the fair market value at the time the compensation is awarded, paid or earned.

(C) The dollar value of all other annual compensation, including all forms of cash and non-cash compensation related solely to the covered fiscal year and not properly categorized as salary or bonus (column (d)). Such compensation shall include the dollar value of:

(i) Perquisites and other personal benefits, or securities or property paid or earned during the fiscal year other than pursuant to a plan, unless:

(j) With respect to any named executive officer, the aggregate amount of such compensation is the lesser of \$25,000 or 10% of the annual salary and bonus reported for such person in columns (b) and (c), and a statement to that effect is included in a footnote to column (d); or

(ii) With respect to the executive group, the aggregate amount of such compensation is the lesser of \$25,000 times the number of persons in the group or 10% of the annual salary and bonus reported in columns (b) and (c) for the group, and a statement to that effect is included in a footnote to column (d);

(2) Annual registrant contributions, payments, or other allocations to vested pension and other retirement plans;

(3) Amounts earned, allocated or accrued in the last fiscal year under deferred compensation plans or any other long-term incentive arrangement, including but not limited to dividends or interest during the fiscal year on deferred cash and stock or stock-based compensation (including amounts actually earned with respect to restricted stock, less the amounts reported as earned but deferred in column (f)); and

(4) Annual premiums paid or allocated, in whole or part, by the registrant on insurance-funded or any similar deferred compensation arrangement used to compensate a named executive or any member of the executive group.

Instructions to Item 402(b)(2)(ii)(C)

1. All components of the aggregated amounts set forth in column (d), except annual registrant contributions, payments or other allocations to vested pension or other retirement plans, should be identified by type, amount and/or rate in a footnote to the column.

2. With respect to perquisites and other personal benefits, if the amount of specified compensation reported for a named executive officer or the executive group exceeds the established threshold, the entire amount and each type(s) of such other compensation must be disclosed in a footnote pursuant to this paragraph. This compensation shall be valued on the basis of the aggregate incremental cost to the registrant and its subsidiaries.

3. Annual insurance premiums paid in whole or part by, or on behalf of, the registrant should be disclosed if there is any arrangement or understanding, whether formal or informal, that a future transfer of the underlying policy or other related payment to the executive will be made.

(iii) Long-term compensation (columns (e), (f), (g), (h) and (i)), including:

(A) Dollar value of any restricted stock award (calculated by multiplying the closing stock price on the date of grant by the number of shares awarded) without regard to the contingent nature of the grant (column (e));

(B) Dollar value of dividends earned on restricted stock, but deferred or reinvested (column (f));

(C) Dollar value of all long-term incentive payouts under plans tying compensation to the market price of a security of the registrant, the performance of the registrant or its subsidiaries, or any other performance measure or criterion (column (g));

Instruction to Item 402(b)(2)(iii)(C)

For purposes of column (g), the term "long-term incentive payouts" means any compensation earned, paid, distributed, made or credited, whether in cash or stock, under any plan providing incentives for performance, whether measured by reference to financial performance of the registrant or an affiliate, the performance of the registrant's stock price, or any other measure, over more than one year, other than amounts reportable as restricted stock, options or SARs.

(D) The number of stock options granted, with or without tandem SARs (column (h)); and

(E) The number of freestanding SARs, payable in stock, or payable in stock or cash at the election of the registrant or the executive(s) (column (i)).

Instruction to Item 402(b)(iii)(D) and (E)

If at any time during the last fiscal year, the registrant has adjusted or amended any material term of stock options or freestanding SARs, whether payable in stock or cash, previously awarded to any of the named executive officers or any member of the executive group, whether to lower the original exercise price or otherwise so as to require the registrant to provide the additional disclosure prescribed by Item 402(j)(2)(iii) of this section, the registrant shall add a separate column to the Summary Table, to be entitled "Amended or Repriced Options/SARs," setting out the number of options or freestanding SARs repriced or amended.

(iv) Any other compensation awarded, paid or earned that the registrant believes cannot be reported properly in any other column of the Summary Compensation Table (column (j)).

(A) Any compensation reported in this column should be identified and quantified in a footnote.

(B) Include in this column, and identify in an accompanying footnote, any payments made or credited to any named executive by the registrant or any other person, if any such payment, including all periodic payments or installments, exceeds \$60,000, and is made or credited pursuant to a plan or arrangement that results or will result from:

(1) The resignation, retirement or any other termination of such individual executive's employment with the registrant and its subsidiaries; or

(2) A change in control of the registrant or a change in the executive's responsibilities following a change in control.

General Instruction to Item 402(b)

1. Any form of compensation reported in the Summary Table in a previous fiscal year may be omitted from this table in a later fiscal year.

2. If the registrant has not awarded, paid or distributed any form of compensation covered by a particular column(s), that column may be omitted.

(c) *Option Values Based on Assumed Rates of Common Stock Price Appreciation.* (1) The information specified in paragraph (c)(2) of this section, concerning the potential realizable dollar value of grants of options and freestanding SARs made in the registrant's last fiscal year, shall be provided in the tabular format specified below:

VALUES BASED ON ASSUMED RATES OF STOCK PRICE APPRECIATION FOR OPTIONS GRANTED IN LAST FISCAL YEAR

Name	Strike price above market price at grant N% (\$)	50% (\$)	100% (\$)	200% (\$)
(a)	(b)	(c)	(d)	(e)
CEO.....				
#1.....				
#2.....				
#3.....				
#4.....				
Group.....				

(2) The option valuation table should include the potential realizable value of options and freestanding SARs granted in the last fiscal year to each named executive, and of all such grants to the executive group in the aggregate, assuming that the market price of the underlying security appreciates in value, from the date of grant to the end of the option or SAR term, at the following rates:

(i) Where options or freestanding SARs were granted with strike prices above the prevailing market price of the underlying security at the date of grant, N%, the percentage by which the strike price exceeded the market price at grant (column (b)). Where the option grant included multiple tranches with strike prices exceeding market price by varying degrees, include an additional column for each additional tranche.

(ii) 50% (column (c));

(iii) 100% (column (d)); and

(iv) 200% (column (e)).

Instructions to Item 402(c)

1. The potential realizable dollar value of each option or SAR grant for each of columns (b), (c), (d) and (e), shall be the product of: (a) the difference between (x) the product of the per-share market price at the time of the grant and the sum of 1 plus the stock price appreciation rate (N%, 50%, 100% or 200% for each of the columns (b), (c), (d) and (e), respectively) ("the stock price appreciation rate") applicable to each such column (expressed as a decimal), and (y) the per-share exercise price of the option; and (b), the number of underlying securities at fiscal year end.

2. Potential dollar value information may be provided on an aggregated basis under columns (c)-(e) for all grants made during the fiscal year, at each of the specified stock price appreciation rates.

3. For purposes of this paragraph, the term "SAR" refers to any SAR payable

in stock, or payable in cash or stock at the election of the registrant or the executive(s).

(d) *Stock Option and Stock Appreciation Right Awards.*—(1)

Option/SAR Summary Report.

(i) The information specified in paragraph (d)(1)(ii) of this section, concerning option (with or without tandem SARs) and freestanding SARs

shall be provided in the tabular format specified below, with respect to the registrant's last fiscal year:

OPTION/SAR SUMMARY REPORT

Total Number of Common Shares Outstanding at Fiscal Year-end.....	
Total Number of Common Shares Authorized To Be Granted as Options or SARs.....	
Percentage of Total Common Shares Outstanding Authorized.....	
Total Number of Options or SARs Granted To Date Under Current Authorization.....	
Percentage of Total Authorizations.....	
Total Number of Options or SARs Granted in Fiscal Year.....	
Total Number of Options or SARs Granted to Named Executives in Last Fiscal Year.....	
Percentage of Total Number of Options or SARs Granted to Named Executive Officers.....	
Total Number of Options or SARs Granted to CEO in Last Fiscal Year.....	
Percentage of Total Number of Options or SARs Granted to CEO in Last Fiscal Year.....	
Total Number of Options or SARs Granted to Executive Group in Last Fiscal Year.....	
Percentage of Total Options or SARs Granted to Executive Group in Fiscal Year.....	

(ii) The Table shall include, for each type of security underlying options and freestanding SARs granted as executive compensation in the registrant's last fiscal year:

(A) The number of securities outstanding at the end of the prior fiscal year;

(B) The number of securities authorized to be granted as options or freestanding SARs;

(C) The percentage of outstanding securities authorized to be granted as options or freestanding SARs;

(D) The number of options or freestanding SARs granted as of the prior fiscal year under the current authorization;

(E) The percentage of authorized options or freestanding SARs granted as of the end of the registrant's last fiscal year;

(F) The number of options or freestanding SARs granted in the prior fiscal year;

(G) The number of options or freestanding SARs granted to the named executives in the prior fiscal year;

(H) The percentage of the prior fiscal year's options or freestanding SARs granted to the named executives;

(I) The number of options or freestanding SARs granted to the CEO or any executive with a comparable position in the prior fiscal year;

(J) The percentage of the prior fiscal year's options or freestanding SARs granted to the CEO or any executive with a comparable position;

(K) The number of options or freestanding SARs granted to the executive group; and

(L) The percentage of the prior fiscal year's options or freestanding SARs granted to the executive group.

Instruction to Item 402(d)

For purposes of this paragraph, the term "SAR" refers to any SAR payable in stock, or payable either in stock or cash at the election of the registrant or the executive-recipient.

(2) *Individual Option and SAR Grants.*

(i) The information specified in paragraph (d)(2)(ii) of this section, concerning individual grants of stock options, whether alone or in tandem with SARs, and freestanding SARs, made during the prior fiscal year to each of the named executives, with aggregated grant information to be provided for the executive group, shall be provided in the tabular format specified below:

INDIVIDUAL GRANTS IN THE LAST FISCAL YEAR

Name	Date	Options granted (#)	SARs granted (#)	Exercise or base price (\$/sh)	Market price at grant (\$/sh)	Unconditional vesting date	Expiration date
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)
CEO.....	(1).....						
	(2).....						
	(3).....						
#1.....	(1).....						
	(2).....						
	(3).....						
#2.....	(1).....						
	(2).....						
	(3).....						
#3.....	(1).....						
	(2).....						
	(3).....						
#4.....	(1).....						
	(2).....						
	(3).....						
Group.....							

(ii) The Table shall include, with respect to each grant to a named

executive and aggregated grants to the executive group:

(A) The name of the executive, or number in the group (column (a));

(B) The date of each grant (column (b));

(C) The number of options granted, specifying the title of the security subject to each grant in a footnote (column (c));

(D) The number of freestanding SARs granted, specifying the title of the securities subject to each grant in a footnote (column (d));

(E) The per share exercise or base price of the option or freestanding SAR granted (column (e));

(F) The closing market price per share of the underlying security on the date of grant (column (f));

(G) The date at which the option or freestanding SAR vests unconditionally (column (g)); and

(H) The expiration date of the option or freestanding SAR (column (h)).

Instructions to Item 402(d)(2)

1. A footnote to the table should describe any additional terms of the grant, such as SARs granted in tandem

with options, or performance-based conditions to exercisability.

2. For purposes of this paragraph, the term "SAR" refers to any SAR payable solely in stock, or payable in either stock or cash at the election of the registrant or the executive-recipient.

3. A description should be included in a footnote to the table of any risk-diminishing features or tax reimbursement arrangements relating to a particular grant.

4. If more than one grant of options or freestanding SARs is made to a named executive during the fiscal year, a separate line(s) should be added to assure disclosure of each such grant.

5. This table should not include any options granted in connection with a option repricing transaction disclosed pursuant to Paragraph (j)(2)(iii) of this Item.

6. For purposes of determining the grant-date market price of the security underlying options or freestanding SARs, where that security either is not

traded or is thinly traded, registrants should use book value for non-traded securities and, for thinly traded securities, the market price as of the most recent available date, with an explanatory footnote if the registrant believes this price is not representative of the value of the security.

7. Continued employment with the registrant shall not be deemed a condition of vesting for purposes of the vesting date disclosure required in column (g).

(3) *Individual Option and SAR Exercises.* (i) The information specified in paragraph (d)(3)(ii) of this section, for each individual exercise of stock options, alone or in tandem with SARs, and freestanding SARs, made during the most recent fiscal year by each of the named executives, with aggregated information for the executive group, shall be provided in the tabular format specified below:

INDIVIDUAL EXERCISES IN THE LAST FISCAL YEAR

Name	Shares acquired on exercise (#)	Year granted	Year of expiration	Annualized gain (\$)	Total gain realized (\$)
(a)	(b)	(c)	(d)	(e)	(f)
CEO					
#1					
#2					
#3					
#4					
Group					

(ii) The Table shall include:

(A) The name of the executive officer, or number in the group (column (a));

(B) The number of securities received upon exercise (column (b));

(C) The year the options or freestanding SARs were granted (column (c));

(D) The year the options or freestanding SARs would have expired (column (d));

(E) The annualized aggregate dollar value of gain upon exercise (column (e)); and

(F) The total aggregate dollar value of gain realized upon exercise (column (f)).

Instructions to Item 402(d)(3)

1. Annualized gain for purposes of column (e) may be determined by dividing the total aggregate dollar gain realized by the number of years the option was outstanding. For the purposes of this paragraph, an option should be considered outstanding for a full year in the year of grant and in the year of exercise.

2. For purposes of this paragraph, the term "SAR" refers to any SAR payable solely in stock, or any SAR payable in either stock or cash at the election of the registrant or the executive(s).

3. If a named executive exercises options or freestanding SARs on more than one occasion during the fiscal year, a separate line(s) should be added to assure separate disclosure of each such exercise.

(4) *Unexercised Options (and SARs) Held at Fiscal Year-End.* (i) The information specified in paragraph (d)(4)(ii) of this section concerning all unexercised options and freestanding SARs held at the end of the fiscal year shall be provided in the tabular format specified below:

UNEXERCISED OPTIONS HELD AT FY-END

(a) Name	(b) Total number unexercised options held at FY-end		(c) Value of unexercised, in-the-money options at FY-end (\$)	
	Vested	Unvested	Vested	Unvested
CEO				
#1				
#2				
#3				
#4				
Group				

(ii) The Table shall include:

(A) The name of the executive officer or number in the group (column (a));

(B) The total number of unexercised options or freestanding SARs held at the end of the fiscal year, separately identifying the vested and unvested securities (column (b)); and

(C) The aggregate dollar value of in-the-money, unexercised options or freestanding SARs at the end of the

fiscal year, separately identifying vested and unvested (column (c)).

Instructions to Item 402(d)(4)

1. In-the-money options are options for which the fair market value of the underlying securities exceeds the strike or base price of the option or SAR. Dollar value is calculated by determining the difference between the

fair market value of the securities underlying the options and the strike or base price of the options or SARs at fiscal year-end.

2. For purposes of this paragraph, the term "SAR" refers to any SAR payable solely in stock, or any SAR payable in either stock or cash at the election of the registrant or the executive(s).

(e) *Restricted Stock Awards.* (1) The information specified in paragraph (e)(2) of this section, concerning grants of restricted stock made to the named executives and the executive group during the registrant's most recent fiscal year, shall be provided in the tabular format specified below:

RESTRICTED STOCK TABLE

(a)	(b)	(c)	(d)	(e)
Name	Restricted shares granted in last fiscal year	Length of restricted period	Total number restricted shares held at FY-end	Aggregate market value restricted shares at FY-end (\$)
CEO				
#1				
#2				
#3				
#4				
Group				

(2) The Table shall include:

(i) The name of the executive officer or the number in the group (column (a));

(ii) The total number of restricted shares granted (column (b));

(iii) The length of the period during which the granted shares are subject to restrictions or conditions on vesting (column (c));

(iv) The total number of restricted shares held at fiscal year-end (column (d)); and

(v) The aggregate value of the restricted shares held at fiscal year-end (column (e)).

Instructions to Item 402(e)

1. Any applicable restriction or condition on vesting of restricted shares other than the length of the restricted period, including any performance-

related conditions, shall be disclosed in a footnote to the table.

2. Information may be provided on an aggregated basis for multiple grants made during the fiscal year to each of the named executives; however, separate disclosure must be made for each such grant, accompanied by an explanatory footnote to the column, if: (a) the terms of two or more grants made to the executive within the fiscal year differ with respect to the restricted period or any other restriction or condition to vesting; or (b) the board of directors or its compensation committee has reserved the right to eliminate or reduce a restriction or condition to a particular award or awards.

3. For purposes of column (e), "aggregate market value" shall be equal

to the market value of the unrestricted shares.

(f) *Long-Term Incentive Compensation.*—(1) *Stock Price-Based Plans.*

(i) The information specified in paragraph (f)(1)(ii) of this section, regarding each compensation award or payment to a named executive officer made, or earned or matured but deferred, in the last fiscal year under any long-term incentive compensation plan pursuant to which the measurement of benefits to be received is a function of the market price of the registrant's common stock, with aggregate information provided for the executive group, shall be provided in the tabular format specified below:

STOCK PRICE BASED PLANS—LAST FISCAL YEAR

(a)	Awards			Payouts
	(b)	(c)	(d)	(e)
Name	No. of shares, units or other rights ¹	Grant-date value, if determinable	Performance or other period until maturation or payout	(Dollar or dollar value stock)
CEO				
#1				
#2				
#3				
#4				
Group				

(ii) The Table shall include:

(A) The name of the executive officer or the number in the group (column (a));

(B) The number of units or other instruments granted and, if applicable,

the number of shares underlying these units (column (b));

(C) The grant-date value of the units or instruments granted, if determinable (column (c));

(D) The time period until maturation or payout of the award (column (d)); and

(E) The dollar value or amounts paid or distributed, or earned but deferred (column (e)).

Instructions to Item 402(f)(1)

1. Types of plans covered by this paragraph include, but are not limited to, those awarding phantom stock, freestanding, cash-only SARs, restricted stock units, dividend equivalents and

performance share units payable solely on the basis of the registrant's stock price performance.

2. Describe in a footnote the material terms of any award not otherwise disclosed in the table, including any performance-based formula or measure.

3. Separate disclosure shall be provided in the table for each award or payout, whether made or deferred, to a named executive, accompanied by an explanatory footnote for each award if required by Instruction 2 to this paragraph.

4. Any amount reported as earned but deferred in a prior fiscal year need not be reported again in the fiscal year in which such amount is actually paid out.

(2) *Non-Stock Price Based Plans.* (i) The information specified in paragraph (f)(2)(ii) of this section, regarding each award or payout of long-term compensation not covered by paragraph (f)(1)(i) of this section, made to a named executive officer in the prior fiscal year, with aggregated information provided for the executive group, shall be set forth in the tabular format specified below:

NON-STOCK PRICE BASED PLANS—LAST FISCAL YEAR

(a) Name	Awards				Payouts
	(b) Award (\$/ units)	Target value(s) (Max./ min./actual)		(e) Performance or other period until maturation or payout	(f) (Dollar or dollar value of stock)
		(c) Cash denominat- ed (\$) (max./min./ actual)	(d) Stock denominat- ed (#) (max./min./ actual)		
CEO.....					
#1.....					
#2.....					
#3.....					
#4.....					
Group.....					

(ii) The Table shall include:

(A) The name of the executive officer or the number in the group (column (a));

(B) The amount of each award in dollars or units (column (b));

(C) The dollar value of the potential payout or range of potential payouts under the awards (maximum, minimum or actual target amount) for cash-denominated award (column (c)).

(D) The dollar value of the potential payout or range of potential payouts under the awards (maximum, minimum or actual target amount) for each stock-denominated award (column (d));

(E) The time period until maturation or payout of the award (column (e)); and

(F) The dollar value of amounts paid or distributed, or earned but deferred (column (f)).

Instructions to Item 402(f)(2)

1. Describe in a footnote to the column the material terms of any award, including a general description of the formula or criteria to be applied in determining the amounts payable. If such amount is not reasonably determinable, so indicate by footnote.

2. Separate disclosure shall be provided in the table for each award or payout, whether made or deferred, to a named executive, accompanied by an

explanatory footnote as specified in Instruction 1 to this paragraph.

3. Any amount reported as earned but deferred in a prior fiscal year need not be reported again in the fiscal year in which such amount is actually paid out.

(g) *Pension and Other Retirement Plans.*—(1) *Pension Table.* (i) Registrants with one or more defined benefit or actuarial plan under which benefits are determined primarily by final compensation (or average final compensation) and years of service, shall include a separate Pension Table showing estimated annual benefits payable upon retirement (including amounts attributable to any supplementary or excess pension plans) in specified compensation and years of service combinations in the format specified below:

PENSION TABLE

Remu- neration	Years of service				
	15	20	25	30	35
125,000					
150,000					
175,000					
200,000					
225,000					
250,000					
300,000					

PENSION TABLE—Continued

Remu- neration	Years of service				
	15	20	25	30	35
350,000					
400,000					
450,000					
500,000					

(ii) Immediately following the table, registrants should disclose:

(A) The compensation covered by the plan, including the relationship of such covered compensation to the compensation reported in columns (b) through (d) of the Summary Table required by paragraph (b)(2) of this section, and state the current compensation covered by the plan for any named executive whose covered compensation differs substantially (by more than 10%) from that set forth in columns (b) through (d) of the Summary Table;

(B) The estimated credited years of service for each of the named executives; and

(C) A statement as to the basis upon which benefits are computed (e.g., straight-life annuity amounts), and whether or not the benefits listed in the

Pension Table are subject to any deduction for Social Security or other offset amounts.

(2) *Alternative Pension or Other Retirement Plan Disclosure.* In furnishing the information with respect to defined benefit, actuarial, or any other retirement plan under which benefits are not determined primarily by final compensation (or average final compensation) and years of service, including but not limited to defined contribution plans, state in clear and concise narrative form:

(i) The formula by which benefits are determined; and

(ii) The estimated annual benefits payable upon retirement at normal retirement age for each of the named executives or, if such estimated annual benefits are not reasonably determinable, the amounts accrued pursuant to the plan for the accounts of the named executives and the executive group during the last fiscal year, the distribution or unconditional vesting of which are not subject to future events.

(h) *Enhanced Beneficial Ownership Table.* (1) The beneficial ownership information specified in paragraph (h)(2) of this section shall be provided in the tabular format specified below:

TOTAL COMMON EQUITY, BASED HOLDINGS

(a)	(b)	(c)	(d)
Name	Unrestricted stock beneficially owned, excluding options/SARs	Option shares (#)	Restricted stock (#)
CEO			
#1			
#2			
#3			
#4			
Group			

(2) The Table shall include:

(i) The name of the executive officer or the number of persons in the group (column (a));

(ii) The number of shares of unrestricted stock beneficially owned, excluding options and SARs (column (b));

(iii) The number of shares subject to options and freestanding SARs, whether or not immediately exercisable (column (c)); and

(iv) The number of shares held subject to restricted stock (column (d)).

Instructions to Item 402(h)

1. Other stock-based instruments that are not convertible into shares of the

registrant's common equity are not considered shares beneficially owned for the purposes of this paragraph.

2. Beneficial ownership of unrestricted stock for purposes of column (b) shall be determined in accordance with Rule 13d-3 under the Exchange Act (§ 240.13d-3 of this chapter).

3. For purposes of this paragraph, the term "SAR" shall be deemed to refer to SARs payable only in stock, and SARs payable in stock or cash at the election of the registrant or the executive.

(i) *Compensation of Directors.*—(1) *Standard Arrangements.* The registrant shall describe any standard arrangement, stating amounts, pursuant to which directors of the registrant are compensated for all services as directors, including any additional amounts payable for committee participation or special assignments.

(2) *Other Arrangements.* The registrant shall describe any other arrangements pursuant to which any director of the registrant was compensated during the registrant's last fiscal year for services as a director, stating the amount paid and the name of the director.

(j) *Board Compensation Committee Report on Executive Compensation.* (1) The compensation committee of the registrant's board of directors or, in its absence, a committee performing equivalent functions or the board of directors in its entirety, shall provide a clear and concise statement setting forth the specific factors, criteria and goals underlying the committee's decisions on, or approval of, awards and payments of cash and non-cash compensation disclosed under this section as having been granted or paid to, or earned by, each of the named executives in the last fiscal year.

(i) Include a reasonably detailed discussion of the committee's consideration, if any, of how the registrant's performance related to each named executive's compensation for the last fiscal year, describing each element or measure of performance (e.g., earnings, quality rates, market share) that the committee relied upon in deciding upon or approving each such award or payment.

(ii) If the registrant's performance was not a substantial factor in the committee's decision with respect to compensation paid or awarded to a named executive in the last fiscal year, the committee shall so state and identify those factors, criteria or goals that led to or resulted in such decision or approval.

(iii) The required statement shall be made over the name and signature of each member of the compensation committee, or, in its absence, the name

and signature of each member of a board committee performing equivalent functions or each member of the entire board of directors.

Instruction to Item 402(j)

The requirements of paragraph (j) of this section in its entirety shall not apply to registration statements filed under the Securities Act of 1933, or to registration statements filed on Form 10 under the Exchange Act.

Instructions to Item 402(j)(1)

1. Registrants should avoid boilerplate language in describing factors, criteria or goals underlying awards or payments of executive compensation.

i. Target levels with respect to the specific quantitative or qualitative performance-related factors considered may, but need not, be disclosed. Registrants are not required to disclose any factors or criteria involving confidential commercial or business information, disclosure of which would result in an adverse effect on the registrant's competitive position.

ii. Non-financial performance measures, including but not limited to shareholder value creation or market share, must be described in reasonable detail.

(2) *Additional Information To Be Furnished by Certain Registrants.* (i) The information specified in paragraph (j)(2)(ii) of this section must be provided by a registrant where:

(A) The registrant did not have a compensation committee comprised entirely of outside directors during the last fiscal year, unless the registrant is a small business issuer;

(B) The registrant's compensation committee includes one or more executive officers of another registrant or other entity upon whose compensation committee (or in the absence of a compensation committee, or board committee performing equivalent functions or the entire board of directors) executive officer(s) of the registrant sit; or, where there is no compensation committee, and the registrant is not a small business issuer, the registrant's board of directors includes one or more executive officers of another registrant or other entity upon whose compensation committee (or in the absence of a compensation committee, a board committee performing equivalent functions or the entire board of directors) executive officers of the registrant sit; or

(C) The registrant during the last three fiscal years has adjusted or amended any material term of stock options or freestanding SARs (payable in stock or

Total Number of Options Outstanding Over 10-Year Period.....	
10-Year Cumulative Percentage of Outstanding Options Held by CEO that Were Repriced or Otherwise Adjusted or Amended.....	

SUMMARY OF EXECUTIVE OPTION RE-PRICING OR OTHER ADJUSTMENT—Continued

10-Year Cumulative Percentage of Outstanding Options Held by Executive Officers that Were Repriced or Otherwise Adjusted or Amended.....	
10-Year Cumulative Percentage of Outstanding Options Held by Other Employees that Were Repriced or Otherwise Adjusted or Amended.....	

(E) The Summary shall include:

(1) The total number of options outstanding and issued over the previous ten fiscal years;

(2) The ten-year cumulative percentage of outstanding options held by the registrant's CEO that were repriced or otherwise amended or adjusted;

(3) The ten-year cumulative percentage of outstanding options held by all executive officers as a group that were repriced or otherwise amended or adjusted; and

(4) The ten-year cumulative percentage of outstanding options held by all other employees that were repriced or otherwise amended or adjusted.

Instructions to Item 402(j)(2)(iii)(E)

1. Percentages should be calculated for a ten-year period regardless of whether the same individual or individuals have served continuously throughout that period.

2. The registrant shall state briefly the type of adjustment or amendment made to the option immediately following the number of options repriced or otherwise amended or adjusted.

3. The term "option" as used in the Summary shall include both stock options and freestanding SARs payable in stock or cash.

(k) Registrant Performance

Presentation. Provide a line graph comparing the yearly percentage change in a registrant's cumulative total shareholder return (as measured by dividing (a) the sum of (x) the cumulative amount of dividends declared from the base date until the end of the measurement period (assuming no reinvestment of dividends) and (y) the difference between the issuer's share price at the end of the measurement period and at the base date; by (b) the share price at the base date) against the cumulative total return of the S&P's 500 Stock Index and either a nationally recognized industry index or a registrant constructed peer group

index for a comparable time period. The graph shall provide a comparison for a minimum of five fiscal years, or, if the class of securities has been registered under section 12 of the Securities Exchange Act of 1934 for a shorter period of time, the period covered by the chart may correspond to that time period.

Instructions to Item 402(k)

1. Registrants should make appropriate adjustments to share prices for splits, stock dividends, and spin-offs.

2. Registrants may graph cumulative total return with or without the reinvestment of dividends. Assuming the reinvestment of dividend would require the appropriate adjustments to the above specified formula. However, to preserve comparability, return data for the registrant, the S&P 500 Stock Index, a national recognized industry index or a registrant constructed peer group and any other benchmark must use the same method of presentation.

3. In constructing the graph, (i) the closing price of the day preceding the beginning of the earliest fiscal year graphed should be converted into a base amount, with cumulative returns for each subsequent fiscal year should be measured as a change from that base and (ii) each fiscal year should be plotted with points showing the cumulative total return as of that period.

4. Registrants must compare total shareholder return against additional performance benchmarks, including either a nationally recognized index for the registrant's principal industry, or a peer group of comparable companies competing in similar lines of business and sharing other business characteristics, constructed by the registrant. If the registrant constructs its own peer group, the identity of those issuers should be disclosed and the returns of each component company of the index must be weighted according to the respective company's stock market capitalization.

5. Registrants may include performance measures in addition to total return, such as return on average common shareholders' equity, so long as the registrant's board compensation committee (or in its absence, a board committee performing equivalent functions or the entire board of directors) describes the link between that measure and the level of executive compensation established in the statement required by paragraph (j)(1) of this Item.

6. This paragraph (k) shall not apply to registration statements filed under the Securities Act of 1933 or to registration

statements filed on Form 10 under the Exchange Act.

General Instructions to Item 402

1. **Foreign Private Issuers.** A foreign private issuer may respond to all of Item 402 by reporting the aggregate payments or benefits paid or to be paid to all executive officers as a group. Such registrant shall, however, provide more detailed information if otherwise made publicly available.

2. **Transactions With Third Parties.** This section includes transactions between the registrant and a third party where the primary purpose of the transaction is to furnish compensation to a named executive officer or the executive group. No information need be given in response to any paragraph of this section as to any such transaction if the transaction has been reported in response to Item 404 of Regulation S-K.

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

3. The authority citation for part 240 continues to read as follows:

Authority: 15 U.S.C. 77c, 77d, 77g, 77j, 77s, 77eee, 77ggg, 77nnn, 77sss, 77ttt, 77ttt, 78c, 78d, 78i, 78j, 78l, 78m, 78n, 78o, 78p, 78s, 78w, 78x, 78ll(d), 79q, 79t, 80a-20, 80a-23, 80a-37, 80b-3, 80b-4 and 80b-11 unless otherwise noted.

4. By amending § 240.14a-101 by revising Item 10 of Schedule 14A to read as follows:

§ 240.14a-101 Schedule 14A. Information required in proxy statement.

* * * * *

Item 10. Compensation Plans

If action is to be taken with respect to any plan pursuant to which cash or noncash compensation may be paid or distributed, furnish the following information:

(a) **Plans Subject to Securityholder Action.** (1) Describe briefly the material features of the plan being acted upon, identify each class of persons who will be eligible to participate therein, indicate the approximate number of persons in each such class and state the basis of such participation.

(2)(i) In the tabular format specified below, disclose the benefits or amounts that will be received by or allocated to each of the following under the plan being acted upon, if such benefits or amounts are determinable:

NEW PLAN BENEFITS

Name and position	Plan name	
	Dollar value (\$)	Number of units
CEO.....		
#2.....		
#3.....		
#4.....		
#5.....		
Executive Group.....		
Non-Executive Director Group.....		
Non-Executive Officer Employee Group.....		

(ii) The table required by paragraph (a)(2)(i) of this Item shall provide information as to the following persons:

(A) Each person (stating name and position) specified in paragraph (a)(3) of Item 402 of Regulation S-K (§ 229.402 of this chapter);

(B) All current executive officers as a group;

(C) All current directors who are not executive officers as a group; and

(D) All employees, including all current officers who are not executive officers, as a group.

Instruction to New Plan Benefits Table

Additional columns should be added for each plan with respect to which securityholder action is to be taken.

(iii) If the benefits or amounts specified in paragraph (a)(2)(i) of this Item are not determinable, state the benefits or amounts which would have been received by or allocated to each of the following for the last fiscal year if the plan had been in effect, if such benefits or amounts may be determined in table specified in paragraph (a)(2)(i) of this Item:

(A) Each person (stating name and position) specified in paragraph (a)(3) of Item 402 of Regulation S-K (§ 229.402 of this chapter);

(B) All current executive officers as a group;

(C) All current directors who are not executive officers as a group; and

(D) All employees, including all current officers who are not executive officers, as a group.

(3) If the plan to be acted upon can be amended, otherwise than by a vote of securityholders, to increase the cost

thereof to the registrant or to alter the allocation of the benefits as between the persons and groups specified in paragraph (2)(iii)(A)-(D) of this paragraph, state the nature of the amendments which can be so made.

(b) *Additional Information Regarding Specific Plans Subject to Securityholder Action.* (1) With respect to any pension or retirement plan submitted for securityholder action, state:

(i) The approximate total amount necessary to fund the plan with respect to past services, the period over which such amount is to be paid and the estimated annual payments necessary to pay the total amount over such period; and

(ii) The estimated annual payment to be made with respect to current services. In the case of a pension or retirement plan, information called for by paragraph (a)(2) of this Item may be furnished in the format specified by paragraph (g)(1) of Item 402 of Regulation S-K (§ 229.402 of this chapter).

(2)(i) With respect to any plan authorizing grants of options, warrants or rights submitted for security holder action, state:

(A) The title and amount of securities underlying such options, warrants or rights;

(B) The prices, expiration dates and other material conditions upon which the options, warrants or rights may be exercised;

(C) The consideration received or to be received by the registrant or subsidiary for the granting or extension of the options, warrants or rights;

(D) The market value of the securities underlying the options, warrants or rights as of the latest practicable date; and

(E) In the case of options, the federal income tax consequences of the issuance and exercise of such options to the recipient and the registrant; and

(ii) State separately the amount of such options received or to be received by the following persons if such benefits or amounts are determinable:

(A) Each person (stating name and position) specified in paragraph (a)(3) of Item 402 of Regulation S-K (§ 229.402 of this chapter);

(B) All current executive officers as a group;

(C) All current directors who are not executive officers as a group;

(D) Each nominee for election as a director;

(E) Each associate of any of such directors, executive officer or nominees;

(F) Each other person who received or is to receive 5 percent of such options, warrants or rights; and

(G) All employees, including all current officers who are not executive officers, as a group.

Instructions

1. The term "plan" as used in this Item means any plan as defined in paragraph (a)(2) of Item 402 of Regulation S-K (§ 229.402 of this chapter).

2. If action is to be taken with respect to a material amendment or modification of an existing plan, the item shall be answered with respect to the plan as proposed to be amended or modified and shall indicate any material differences from the existing plan.

3. If the plan to be acted upon is set forth in a written document, three copies thereof shall be filed with the Commission at the time copies of the proxy statement and form of proxy are filed pursuant to paragraph (c) of Rule 14a-6 (§ 229.14a-6 of this chapter).

4. Paragraphs (b)(2)(ii) do not apply to warrants or rights to be issued to security holders as such on a pro rata basis.

5. The Commission should be informed, as supplemental information, when the proxy statement is first filed, as to when the options, warrants or rights and the shares called for thereby will be registered under the Securities Act or, if such registration is not contemplated, the section of the Securities Act or rule of the Commission under which exemption from such registration is claimed and the facts relied upon to make the exemption available.

By the Commission.

Dated: June 23, 1992.

Margaret H. McFarland,
Deputy Secretary.

[FR Doc. 92-15250 Filed 7-1-92; 8:45 am]

BILLING CODE 8010-01-M

federal register

**Thursday
July 2, 1992**

Part III

**Office of
Management and
Budget**

Budget Rescissions and Deferrals; Notice

**OFFICE OF MANAGEMENT AND
BUDGET****Budget Rescissions and Deferrals to
The Congress of the United States**

In accordance with the Congressional
Budget and Impoundment Control Act of

1974, I herewith report two revised
deferrals, now totaling \$2.2 billion in
budgetary resources. Including the
revised deferrals, funds withheld in FY
1992 now total \$5.7 billion.

The deferrals affect Funds
Appropriated to the President and the

Department of Agriculture. The details
of the deferrals are contained in the
attached reports.

George Bush.

The White House,
June 25, 1992.

BILLING CODE 3110-01-M

CONTENTS OF SPECIAL MESSAGE
(in thousands of dollars)

<u>Deferral No.</u>	<u>Item</u>	<u>Budget Authority</u>
	Funds Appropriated to the President:	
	International Security Assistance:	
D92-8A	Foreign military financing.....	2,001,098
	Department of Agriculture:	
	Forest Service:	
D92-11A	Timber salvage sales.....	181,549
	Total, deferrals.....	2,182,646

Deferral No. 92-8A

Supplemental Report
Report Pursuant to Section 1014(c) of Public Law 93-344

This report updates Deferral No. 92-8, which was transmitted to the Congress on December 19, 1991.

This revision to a deferral of the Foreign military financing account, International Security Assistance program, of the Funds Appropriated to the President, increases the amount previously reported as deferred from \$1,908,000,000 to \$2,001,097,900. Funds made available by P.L. 102-266 were deferred. Some of the funds that were available prior to March 31, 1992, were released. The net change is \$93,097,900.

Deferral No. 92-8A

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

AGENCY: Funds Appropriated to the President	New budget authority..... \$ 4,100,000,000 (P.L. 102-266)*
BUREAU: International Security Assistance	Other budgetary resources. \$ -81,602,100 *
Appropriation title and symbol: Foreign military financing 1/ 1121082	Total budgetary resources.. \$ 4,018,397,900 *
	Amount to be deferred: Part of year..... \$ 2,001,097,900 *
	Entire year..... _____
OMB identification code: 11-1082-0-1-152	Legal authority (in addition to sec. 1013):
Grant program: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Antideficiency Act <input type="checkbox"/> Other _____
Type of account or fund: <input checked="" type="checkbox"/> Annual <input type="checkbox"/> Multi-year _____ (expiration date) <input type="checkbox"/> No-Year	Type of budget authority: <input checked="" type="checkbox"/> Appropriation <input type="checkbox"/> Contract authority <input type="checkbox"/> Other _____

JUSTIFICATION: The President is authorized by the Arms Export Control Act to sell or finance by grant, credit, or guarantee articles and defense services to friendly countries to facilitate the common defense. Further, the President is authorized by the International Narcotics Control Act of 1989 to provide military and law enforcement assistance to counter illegal narcotics. Under Section 2 of the Arms Export Act, the Secretary of State, under the direction of the President, is responsible for sales made under the Act, including determining whether there shall be a sale to a country and the amount thereof. Executive Order 11958 further requires the Secretary of State to obtain prior concurrence of the Secretaries of Defense and Treasury, respectively, regarding standards and criteria for credit transactions that are based upon national security and financial policies. These funds have been deferred pending the approval of the Departments of State, Defense, and Treasury for the specific sales to eligible countries. Consultation among these Departments will ensure that each approved program is consistent with the foreign, national security, and financial policies of the United States and will not exceed the limits of available funds. This action is taken pursuant to the Antideficiency Act (31 U.S.C. 1512).

ESTIMATED PROGRAM EFFECT: None.

OUTLAY EFFECT: None.

1/ This account was the subject of a similar deferral in FY 1991 (D91-8).

* Revised from previous report.

Deferral No. 92-11A

Supplemental Report
Report Pursuant to Section 1014(c) of Public Law 93-344

This report updates Deferral No. 92-11, which was transmitted to the Congress on February 19, 1992.

This revision to a deferral of Timber salvage sales of the Forest Service, Department of Agriculture, increases the amount previously reported as deferred from \$131,548,574 to \$181,548,574. The increase of \$50,000,000 reflects the deferral requirements for potential salvage opportunities.

Deferral No. 92-11A

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

AGENCY: Department of Agriculture	New budget authority..... \$ 120,385,000 (P.L. 94-588 & 101-512)
BUREAU: Forest Service	Other budgetary resources. \$ 181,548,574
Appropriation title and symbol: Timber salvage sales 1/ 12X5204	Total budgetary resources.. \$ 301,933,574
	Amount to be deferred: Part of year..... \$ _____
	Entire year..... 181,548,574 * 2/
OMB identification code: 12-9922-0-2-302	Legal authority (in addition to sec. 1013):
Grant program: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Antideficiency Act
	<input type="checkbox"/> Other _____
Type of account or fund: <input type="checkbox"/> Annual <input type="checkbox"/> Multi-year _____ (expiration date) <input checked="" type="checkbox"/> No-Year	Type of budget authority: <input checked="" type="checkbox"/> Appropriation <input type="checkbox"/> Contract authority <input type="checkbox"/> Other _____

JUSTIFICATION: The Timber Salvage Sales fund was established under the provisions of the National Forest Management Act of 1976 to enable harvesting of dead and dying trees when required by market conditions or catastrophes. Purchasers of dead, damaged, insect-infested, or downed timber are required to make monetary deposits into this fund to cover the preparation costs for future salvage sales.

* The salvage sales program is part of the timber sales program and has specific timber volume targets assigned. Specific timber volume targets are assigned based on current information on salvage opportunities. The Forest Service is pursuing a program to achieve maximum salvage volumes while protecting the full range of environmental values. Approximately 1.8 billion board feet of new and existing salvage sales is planned for FY 1992. This program will require \$120 million in FY 1992. The deposits becoming available in the current year are estimated and the related preparation costs are planned for the following year. Efficient program planning is facilitated by operating a stable program well within the funds available in any one year for this purpose. Funds are deferred pursuant to the Antideficiency Act (31 U.S.C. 1512).

ESTIMATED PROGRAM EFFECT: None.

OUTLAY EFFECT: None.

1/ This account was the subject of a similar deferral in FY 1991 (D91-10).

2/ The deferral amount has been reduced to \$151,548,574 due to subsequent releases.

* Revised from previous report.

[FR Doc. 92-15551 Filed 7-01-92; 8:45 am]

BILLING CODE 3110-01-C

federal register

**Thursday
July 2, 1992**

Part IV

Department of Defense

Office of the Secretary

32 CFR Part 165

**Recoupment of Nonrecurring Costs on
Sales or Licensing of U.S. Items;
Proposed Rule and Interim Rule**

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 165

Recoupment of Nonrecurring Costs on Sales or Licensing of U.S. Items

AGENCY: Office of the Secretary of Defense, Department of Defense.

ACTION: Proposed rule.

SUMMARY: This proposed rule would further reduce the financial and administrative burden on contractors making direct commercial sales to non-U.S. Government parties. It would eliminate the requirement to recoup nonrecurring costs on those sales. This proposed rule constitutes a step towards the desired goal of completely eliminating all nonrecurring cost recoupments. Culmination of the goal should assist the U.S. defense industry to be more competitive on a global basis by reducing contracting costs through resulting synergies, economies of scale, pricing and performance incentives, and reduced administrative burdens.

DATES: Comments should be received by August 3, 1992.

ADDRESSES: Forward comments to: Office of the DoD Comptroller, Attn: Director for Accounting Policy, The Pentagon, room 3A882, Washington, D.C. 20301-1100.

FOR FURTHER INFORMATION CONTACT: Mr. R. Florence, 703-697-0585.

SUPPLEMENTARY INFORMATION: Today, the Department of Defense published an interim rule, 32 CFR part 165, to implement revised nonrecurring cost recoupment policies. This proposed rule would amend certain sections of the interim rule that would result in the

elimination of recoupment of nonrecurring costs of all direct commercial sales.

Executive Order 12291

On November 26, 1991, the Office of Management and Budget advised that this rule was considered to be a major rule under Executive Order 12291. The regulatory impact analysis provided in response to that determination still applies.

The Comptroller, Department of Defense has determined that this rule does not impose paperwork requirements or other regulatory burdens of the type Executive Order 12291 and the Regulatory Flexibility Act were intended to minimize. In fact, the economic impact of this rule is a reduction of amounts due to the U.S. Government and a reduction in work load—both paperwork and accounting efforts—to both the Department of Defense and defense contractors.

Paperwork Reduction Act Information

The final rule contains no new information collection requirements requiring the approval of OMB under 44 U.S.C. 3501 et seq.

List of Subjects in 32 CFR Part 165

Armed forces, Commercial sales, foreign military sales, Foreign trade.

Accordingly, 32 CFR part 165 is proposed to be amended as follows:

PART 165—RECOUPMENT OF NONRECURRING COSTS ON SALES OR LICENSING OF U.S. ITEMS

1. The authority for 32 CFR Part 165 continues to read as follows:

Authority: 31 U.S.C. 9701

§ 165.2 [Amended]

2. Section 165.2 is proposed to be amended in paragraph (b) by removing the words, "and contractually to DoD contractors who sell or license defense items developed with DoD appropriations or funds (and in special cases, customer funds)"

§ 165.3 [Amended]

3. Section 165.3 is proposed to be amended by removing paragraph (b) and redesignating paragraphs "(c) through (n)" as "(b) through (m)".

§ 165.5 [Amended]

4. Section 165.5 is proposed to be amended in paragraph (c)(3) by removing the words, "or direct commercial sales" and by removing paragraph (e)(4), redesignating paragraphs "(e)(5) through (e)(7)" as "(e)(4) through (e)(6)".

§ 165.6 [Amended]

5. Section 165.6 is proposed to be amended in paragraph (c) by adding a period in the second sentence after the word "agreements" and removing the remainder of that sentence and the third sentence.

6. Section 165.6 is proposed to be amended by removing paragraph (g).

§ 165.7 [Amended]

7. Section 165.7 is proposed to be amended in paragraph (a) by removing the last sentence, and in paragraph (d) by removing the last two sentences.

Dated: June 29, 1992.

L.M. Bynum,

Alternate OSD Federal Register, Liaison Officer, Department of Defense.

[FR Doc. 92-15631 Filed 6-30-92; 11:25 am]

BILLING CODE 3810-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 165

Recoupment of Nonrecurring Costs on Sales or Licensing of U.S. Items

AGENCY: Office of the Secretary of Defense, Department of Defense.

ACTION: Interim rule.

SUMMARY: This interim rule recognizes that requiring contractors to pay to fee to the Government for products and technologies sold to non-U.S. Government parties unnecessarily imposes a financial and administrative burden on U.S. industry. The planned elimination of all such fees is being pursued. This interim rule constitutes a step towards the desired goal. Culmination of the goal should assist the U.S. defense industry to be more competitive on a global basis by reducing contracting costs through economies of scale, pricing incentives, and reduced administrative burdens.

As such, the interim rule provides for a change in the Department of Defense's guidance to all Heads of DoD Components on the recoupment of nonrecurring costs when products or technology developed with appropriate funds are sold. Recoupment charges will be made only on articles that are Major Defense Equipment which are sold for military purposes. By administrative action, the Department of Defense will immediately abolish recoupment fees on all products other than major defense equipment exported for military uses. This action will eliminate recoupment fees on all non-military products, including spinoffs and derivatives of military products. It will also eliminate recoupment on military products that are either not classified as major defense equipment or not exported for military uses. The Department's action will eliminate recoupment under all new non-major defense equipment contracts as well.

A Major Defense Equipment is any item of significant military equipment on the United States Munitions List having a nonrecurring research, development, test and evaluation cost of more than \$50 million or a total production cost of more than \$200 million. The definition of Major Defense Equipment is included in the Arms Export Control Act.

In addition to the changes being effected by this interim rule, in a proposed rule published elsewhere in this issue, the Department of Defense proposes to eliminate recoupment charges on items of Major Defense

Equipment sold via direct commercial sales, in a subsequent final rule to be issued within 120 days. Public comment is being solicited on this proposal during the 30 day period following the date of this interim rule. During the 120 days between the interim and final rules, the President's Export Council will monitor progress under the interim rule and provide recommendations on the subsequent final rule.

In addition, the Administration will work with Congress to achieve the elimination of recoupment fees on major defense equipment exported for military uses. The Arms Export Control Act currently requires the Department of Defense to collect recoupment fees on sales of major defense equipment through the Foreign Military Sales programs, which accounts for most major defense equipment sales. The Administration will work with Congress to lift this requirement. Any lifting of that requirement would be likely to result in a final rule which would eliminate recoupment in its entirety.

EFFECTIVE DATE: June 26, 1992.

FOR FURTHER INFORMATION CONTACT: Mr. R. Florence, 703-697-0585.

SUPPLEMENTARY INFORMATION: On October 25, 1991, the Department of Defense published a proposed rule, for public comments, of 32 CFR part 165. Numerous comments were received and considered. The DoD contractual language to implement the nonrecurring cost recoupment policies are incorporated into acquisition regulations, which are also published in the *Federal Register* for public comment. The term, "acquisition regulation," refers to the Defense Acquisition Regulation, the Federal Acquisition Regulation (FAR) and the DoD FAR Supplement. The interim rule for DoD recoupment policy is to be incorporated into the DoD FAR Supplement and will be published in the *Federal Register* 48 CFR parts 215, 252, and 270.

Executive Order 12291

On November 26, 1991, the Office of Management and Budget advised that this rule was considered to be a major rule under Executive Order 12291. The information set forth below constitutes the regulatory impact analysis for purposes of Executive Order 12291 and regulatory flexibility analysis for purposes of the Regulatory Flexibility Act (5 U.S.C. 601).

Accordingly, and in response to the Office of Management and Budget's determination, the purpose of this rule is to limit the categories of equipment for which a recoupment charge is applicable and to eliminate recoupment on items

sold for non-military purposes. Previously, a recoupment charge was applicable to "major defense equipment," "non-major defense equipment," and to all commercial derivatives of such equipment. Now, a recoupment charge shall be applicable only to "major defense equipment."

The Comptroller, and Chief Financial Officer, Department of Defense has determined that this rule does not impose paperwork requirements or other regulatory burdens of the type Executive Order 12291 and the Regulatory Flexibility Act were intended to minimize. In fact, the economic impact of this rule is a reduction of amounts due to the U.S. Government and a reduction in work load—both paperwork and accounting efforts—to both the Department of Defense and defense contractors. The reductions would occur due to a lessening of payment requirements and reduced administrative burden costs. These reductions will not have an unreasonable impact on defense contractors or the Department of Defense. The Comptroller, and Chief Financial Officer, Department of Defense has determined that this rule is not expected to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601 et seq. Such entities generally make commercial sales for only small defense articles to foreign or domestic customers and the Department of Defense will recoup on only major defense equipment.

At this point, specific data is not available to quantify the economic impact on the Federal receipts due to the reductions as a result of this rule. However, this rule would have a favorable impact on a substantial number of defense contractors who pay recoupment charges since this rule would (a) eliminate recoupment charges on lower dollar value investment items (non-major defense equipment) and eliminate recoupment on items used for non-military purposes; (b) decrease the number of contracts involved (a recoupment clause would be inserted only in contracts exceeding \$10 million versus in the current policy of being included in contracts over \$1 million); and (c) eliminate recoupment on derivative items.

Paperwork Reduction Act Information

The rule contains no new information collection requirements requiring the approval of OMB under 44 U.S.C. 3501 et seq.

List of Subjects in 32 CFR Part 165

Armed Forces, Commercial Sales,
Foreign Military Sales, Foreign trade.

Accordingly, title 32 of the Code of Federal Regulations, chapter I, subchapter E, is amended by adding a new part 165, to read as follows:

PART 165—RECOUPMENT OF NONRECURRING COSTS ON SALES OR LICENSING OF U.S. ITEMS**Sec.**

- 165.1 Purpose.
- 165.2 Applicability and scope.
- 165.3 Definitions.
- 165.4 Policy.
- 165.5 Responsibilities.
- 165.6 Procedures.
- 165.7 Waivers (including reductions).

Authority: 31 U.S.C. 9701.

§ 165.1 Purpose.

This part updates policy to conform with Public Law 90-629, "Arms Export Control Act," October 22, 1968, as amended, nonrecurring cost recoupment charges on sales or licensing of items developed for or by the Department of Defense to non-U.S. Government customers.

§ 165.2 Applicability and scope.

(a) This part applies to the Office of the Secretary of Defense, the Military Departments, the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Unified and Specified Commands, the Defense Agencies, and the DoD Field Activities (hereafter referred to collectively as "the DoD Components").

(b) The provisions of this part shall be applied to those receiving DoD technical data packages from the Department of Defense and contractually to DoD contractors who sell or license defense items developed with DoD appropriations or funds (and, in special cases, customer funds) or use technical data packages to manufacture items sold commercially to a foreign government, international organization, foreign commercial firm, or private party for military purposes.

(c) The provisions of this part do not apply to sales of excess property when accountability has been transferred to property disposal activities and the property is sold in open competition to the highest bidder.

(d) The policies and procedures provided for in this part shall apply to all prospective sales and shall entirely supersede application thresholds and charges previously established. Previously established nonrecurring cost recoupment thresholds and charges shall be eliminated or revised in accordance with this part on all future sales. Existing contracts encompassing

items for which recoupment charges are applicable, other than major defense equipment sold for military purposes, may, upon request by a contractor, be renegotiated to reduce the nonrecurring cost recoupment to the extent permitted by law.

§ 165.3 Definitions.

(a) *Cost Pool.* Represents the total cost to be distributed across the specific number of units. The nonrecurring research, development, test, and evaluation cost pool comprises the costs described in paragraph (k) of this section. The nonrecurring production cost pool comprises costs described in paragraph (j) of this section.

(b) *Direct Commercial Sale.* A commercial sale, for military use, to a customer by a defense contractor of items, technology, materiel, services, and development or production techniques that originally were developed, improved, or produced using DoD appropriations or funds.

(c) *Foreign Military Sales.* A sale by the U.S. Government of defense items or defense services to a foreign government or international organization under authority of the "Arms Export Control Act," Public Law No. 90-629 (1968), as amended.

(d) *Government Sale.* A sale of items or services, or both, to non-U.S. Government customers by any DoD Component under appropriate statutes.

(e) *License.* The legal right to use technical data with or without compensation and with or without restrictions.

(f) *Major Defense Equipment.* Any item of significant military equipment on the United States Munitions List having a nonrecurring research, development, test, and evaluation cost of more than 50 million dollars or a total production cost of more than 200 million dollars. The determination of whether an item meets the major defense equipment dollar threshold for research, development, test, and evaluation shall be based on DoD obligations recorded to the date the equipment is offered for sale. Production costs shall include costs incurred by the Department of Defense. Production costs for the foreign military sales program and known direct commercial sales production are excluded.

(g) *Model.* A basic alpha-numeric designation in a weapon system series; e.g., a ship hull series, an equipment or system series, an airframe series, or a vehicle series. For example, the F5A and the F5F are different models in the same F-5 system series.

(h) *Non-U.S. Contractor.* A contractor or subcontractor organized or existing under the laws of a country other than

the United States, its territories, or possessions.

(i) *Nonrecurring Production Costs.* Those one-time costs incurred in support of previous production of the model specified and those costs specifically incurred in support of the total projected production run. Those nonrecurring cost include DoD expenditures for preproduction engineering; rate and special tooling; special test equipment; production engineering; product improvement; destructive testing; and pilot model production, testing, and evaluation. That includes costs of any engineering change proposals initiated before the date of calculations of the nonrecurring costs recoupment charge. Nonrecurring production costs do not include DoD expenditures for machine tools, capital equipment, or facilities for which contractor rental payments are made or waived in accordance with the DoD FAR Supplement.

(j) *Nonrecurring Research, Development, Test, and Evaluation Costs.* Those costs funded by a research, development, test, and evaluation appropriation to develop or improve the product or technology under consideration either through contract or in-house DoD effort. This includes costs of any engineering change proposal started before the date of calculation of the nonrecurring cost recoupment charges as well as projections of such costs, to the extent additional effort applicable to the sale model or technology is necessary or planned. It does not include costs funded by either procurement or operation and maintenance appropriations.

(k) *Pro Rata Recovery of Nonrecurring Costs.* Equal distribution (proration) of a pool of nonrecurring cost to a specific number of units that benefit from the investment so that a DoD Component shall collect from a customer a fair (pro rata) share of the investment in the product being sold. The production quantity base used to determine the pro rata calculation of major defense equipment includes total production.

(1) *Significant Change in Nonrecurring Cost Recoupment Charge.* A significant change occurs as follows:

(1) A new calculation shows a change of 30 percent of the current system nonrecurring cost charge.

(2) The nonrecurring cost unit charge increases or decreases by 50,000 dollars or more; or

(3) Where the potential for a 5 million dollars change in recoupment exists. The total collections may be estimated based on the projected sales quantities. When potential collections increase or

decrease by 5 million dollars, a significant change occurs.

(m) *Special Research, Development, Test, and Evaluation and Nonrecurring Production Costs.* Costs incurred at the request of, or for the benefit of, a foreign customer to develop a special feature or unique or joint requirement. Those costs must be paid by the customer as they are incurred.

(n) *Technical Data Package.* The technical data package normally includes technical design and manufacturing information sufficient to enable the construction or manufacture of a defense item or component modification, or to enable the performance of certain maintenance or production processes. It may include blueprints, drawings, plans, or instructions that can be used or adapted for use in the design, production, manufacture, or maintenance of the defense items.

§ 165.4 Policy.

It is DoD policy that:

(a) A nonrecurring cost recoupment charge shall be imposed on sales to non-U.S. Government purchasers of major defense equipment developed with U.S. Government funds, and for the licensing of others to produce major defense equipment, unless a nonrecurring cost recoupment charge exemption is available as provided in § 165.6(c), a waiver has been approved by the Under Secretary of Defense for Policy pursuant to § 165.7, or the item is to be used for non-military purposes.

(b) Nonrecurring cost charges shall be based on the amount of the DoD nonrecurring investment in an item.

§ 165.5 Responsibilities.

(a) The Comptroller of the Department of Defense shall:

(1) Provide necessary financial management guidance.

(2) Ensure publication of a listing of items developed for or by the Department of Defense to which nonrecurring cost recoupment charges are applicable.

(b) The Under Secretary of Defense (Acquisition) shall take appropriate action to revise the DoD Federal Acquisition Regulation Supplement in accordance with this part.

(c) The Under Secretary of Defense for Policy shall:

(1) Monitor the application of this part.

(2) Exercise control over foreign sales of items developed for or by the Department of Defense and use of technical data packages by non-U.S. contractors pursuant to a Foreign

Military Sales case or other government-to-government agreement.

(3) Review and approve nonrecurring cost recoupment charges and nonrecurring cost recoupment charge waiver requests received from foreign countries and international organizations for Foreign Military Sales or direct commercial sales.

(4) Provide notification of approved nonrecurring cost recoupment charges to the Defense Finance and Accounting Service.

(e) The Secretaries of the Military Departments and the Directors of the Defense Agencies shall:

(1) Determine the DoD nonrecurring investment in items developed for or by the Department of Defense and perform required pro rata calculations in accordance with this part and financial management guidance from the Comptroller of the Department of Defense.

(2) Validate and provide recommended charges to the Defense Security Assistance Agency. Supporting documentation will be retained until the item has been eliminated from the nonrecurring cost recoupment charge listing.

(3) Review approved nonrecurring cost recoupment charges on a biennial basis to determine if there has been a change in factors or assumptions used to compute a nonrecurring cost recoupment charge and if there is a significant change in a nonrecurring cost recoupment charge, provide a recommended change to the Defense Security Assistance Agency.

(4) Insert prescribed Department of Defense Federal Acquisition Regulation Supplement clauses in contracts.

(5) Collect charges on foreign military sales in accordance with DoD 7290.3-M1¹, "Foreign Military Sales Finance and Accounting Manual," on other sales in accordance with DoD 7220.9-M², "DoD Accounting Manual."

(6) Deposit collections to accounts prescribed by the Comptroller, DoD.

(7) Request guidance from the Defense Security Assistance Agency, within 90 days, if an issue concerning a recoupment charge cannot be resolved.

§ 165.6 Procedures.

(a) The nonrecurring cost recoupment charge to be reimbursed for non-U.S. Government purchases shall be a pro rata recovery of nonrecurring cost for

any major defense equipment. Recovery of nonrecurring cost recoupment charges shall cease upon the recovery of the DoD costs. Such charges shall be based on a cost pool as defined in § 165.3. For a system that includes more than one component, a "building block" approach (i.e., the sum of nonrecurring cost recoupment charges for individual components) shall be used to determine the nonrecurring cost recoupment charge for the sale of the entire system.

(b) For major defense equipment, purchasers of the applicable DoD technical data package shall pay the established nonrecurring cost recoupment charge when the major defense equipment is manufactured by a non-U.S. contractor for non-U.S. Government purchases.

(c) A nonrecurring cost recoupment charge shall not apply when a waiver has been approved by the Under Secretary of Defense for Policy in accordance with § 165.7 or when sales are financed with U.S. Government funds made available on a nonrepayable basis. Approved revised nonrecurring cost recoupment charges shall not be applied retroactively to accepted foreign military sales agreements or to direct commercial sales that were entered into before the date of approval of the revised nonrecurring cost recoupment charge. If a direct commercial sale was not notified in accordance with the clause in the Department of Defense Federal Acquisition Regulation Supplement, a nonrecurring cost charge shall be retroactively applied to such sale.

(d) When major defense equipment are sold at a reduced price due to age or condition, the nonrecurring cost recoupment charge shall be reduced by the same percentage reduction.

(e) The full amount of "special" research, development, test, and evaluation and nonrecurring production costs incurred for the benefit of particular customers shall be paid by those customers. However, when a subsequent purchaser requests the same specialized features that resulted from the added "special" research, development, test, and evaluation and nonrecurring production costs, a pro rata share of those costs may be paid by the subsequent purchaser and transferred to the original customer if those special nonrecurring cost exceed 50 million dollars. The pro rata share may be a unit charge determined by the DoD Component as a result of distribution of the total costs divided by the total production. Such reimbursements shall not be collected after 10 years have elapsed since

¹ Forward written requests to Defense Institute for Security Assistance Management, ATTN: DISAM-DRP, Wright-Patterson Air Force Base, Ohio 45433.

² Copies may be obtained, at cost, from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161.

acceptance of DD Form 1513, "U.S. DoD Offer and Acceptance," by the original customer, unless otherwise authorized by the Defense Security Assistance Agency. The U.S. Government shall not be charged any nonrecurring costs recoupment charge if it adopts the features for its own use or provides equipment with such features under a U.S. Grant Aid or similar program.

(f) For coproduction, codevelopment and cooperative development, or cooperative production DoD agreements, the policy set forth in this part generally shall determine the allocation basis for recouping from the third party purchasers the investment costs of the participants. Such DoD agreements shall provide for the application of the policies in this part to sales to third parties by any of the parties to the agreement and for the distribution of recoupments among the parties to the agreement.

(g) A contractor as the seller or licensor of the item to be used for military purposes to any customer other than the U.S. Government is responsible for payment of the recoupment charge to the Department of Defense. In the event, the Department of Defense is the licensor, the non-U.S. licensee is responsible for the payment of the recoupment charge to the Department of Defense. To avoid double payment of a recoupment charge, the seller may

request the Defense Security Assistance Agency to deduct from the recoupment charge a charge paid by another contractor as a first tier subcontractor.

§ 165.7 Waivers (including reductions).

(a) The "Arms Export Control Act," Public Law No. 90-629, as amended, requires the recoupment of a proportionate amount of nonrecurring cost of major defense equipment from foreign military sales customers but authorizes consideration of reductions or waivers for particular sales which, if made, significantly advance U.S. Government interests and the furtherance of mutual defense treaties between the United States and certain countries. Waiver for direct commercial sales to foreign purchasers shall be based upon the same considerations.

(b) Requests for waivers should originate with the foreign government and shall provide information on the extent of standardization to be derived as a result of the waiver and other benefits that would accrue to the U.S. Government as a result of that sale. That request shall contain a summary statement of the facts on the program, benefits expected and justification thereto, and any calculations necessary to quantify the waiver and the benefits to the U.S. Government.

(c) Blanket waiver requests shall not be submitted nor considered. The term

"blanket waiver" refers to a nonrecurring cost recoupment charge waiver that is not related to a particular sale; for example, waivers for all sales to a country or all sales of a weapon system.

(d) A waiver request shall not be approved for a sale that was accepted without an nonrecurring cost recoupment charge waiver, unless the acceptance was conditional on consideration of the waiver request. A waiver shall not be granted for a direct commercial sale if such a waiver could not have been granted legally in connection with a sale made under the foreign military sales program. Any waiver approved for a direct commercial sale shall be contingent on the benefit of the waiver being passed on to the customer by the contractor.

(e) Requests for waivers shall be processed expeditiously, and a decision normally made to either approve or disapprove the request within 60 days after receipt. A waiver in whole or in part of the recoupment charge or a denial of the request shall be provided in writing to the appropriate DoD Component.

Dated: June 29, 1992.

L.M. Bynum,

Alternate OSD Federal Register Liaison
Officer, Department of Defense.

[FR Doc. 92-15632 Filed 6-30-92; 11:26 am]

BILLING CODE 3810-01-M

federal register

**Thursday
July 2, 1992**

Part V

The President

**Proclamation 6453—National Awareness
Week for Lifesaving Techniques, 1992**

Robert Frost

The President

Presidential Ball - Boston, February 1902
New York: The Century Company, 1902

Presidential Documents

Title 3—

Proclamation 6453 of June 30, 1992

The President

National Awareness Week for Lifesaving Techniques, 1992

By the President of the United States of America

A Proclamation

Prompt, effective assistance can mean the difference between life and death for victims of accidents and other emergencies, which is why each of us should be prepared to respond accordingly. Citizens who have knowledge of and training in lifesaving techniques such as cardiopulmonary resuscitation (CPR) and the control of bleeding and shock can play a vital role in providing needed first aid during the critical minutes before professional help is available.

The National Center for Health Statistics reports that in 1989, the most recent year for which final figures are available, 296 out of every 100,000 deaths in the United States were caused by heart disease. More than 4,000 Americans died from drowning and submersion, and 3,578 of our citizens either suffocated or choked to death. A significant number of these tragic deaths could have been prevented if bystanders were trained in basic lifesaving techniques taught by the American Red Cross, the Young Men's and Women's Christian Associations, the American Heart Association, and other national and local organizations. Indeed, it is estimated that the help of knowledgeable bystanders could save as many as 50 percent of those injured, compared to accidents and emergencies in which care is unavailable until medical personnel arrive on the scene.

Since cardiopulmonary resuscitation was first introduced in the early 1960s, instruction and learning in this and other lifesaving measures have moved beyond the realm of the medical community and into the public at large. Today, Americans of all backgrounds have opportunities to learn CPR, the abdominal thrust, the Heimlich maneuver, and so forth. More and more of our citizens must take advantage of these opportunities if we are to reduce the number of preventable deaths caused by accidents and heart disease.

In recognition of the importance of education in first aid and other lifesaving techniques, the Congress, by Public Law 102-305, has designated the week of July 5 through July 11, 1992, as "National Awareness Week for Lifesaving Techniques" and has requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby designate the week of July 5 through July 11, 1992, as National Awareness Week for Lifesaving Techniques. I call on local and State governments, the relevant Federal agencies, and the people of the United States to observe this week with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of June, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and sixteenth.

George Bush

[FR Doc. 92-15791

Filed 7-1-92; 10:18 am]

Billing code 3195-01-M

federal register

**Thursday
July 2, 1992**

Part VI

**Department of
Commerce**

International Trade Administration

**Solicitation of Comments on Machine
Tool Special Issue License Request;
Notice**

DEPARTMENT OF COMMERCE**International Trade Administration****Solicitation of Comments on Machine Tool Special Issue License Request**

AGENCY: International Trade Administration, Commerce.

SUMMARY: The Department of Commerce hereby announces its review of a request for special issue licenses under Paragraph 9 of the Understanding Between the Coordination Council for North American Affairs and the American Institute in Taiwan Concerning Trade in Certain Machine Tools, and requests comments from the public related to that review. This agreement is in effect from January 1, 1992, through December 3, 1993.

FOR FURTHER INFORMATION CONTACT: Holy A. Kuga, Director of the Office of Agreements Compliance, International Trade Administration, Department of Commerce, Washington, DC 20230, at (202) 377-4506.

SUPPLEMENTARY INFORMATION: Paragraph 9 of the Understanding Between the Coordination Council for North American Affairs and the American Institute in Taiwan Concerning Trade in Certain Machine Tools provides for the authorization of special issue licenses. Such licenses may be authorized for the importation of machine tools in excess of the export limit when we determine that approval would serve a unique national security need, approval would directly lead to an

increase in U.S. machine tool manufacturing capacity, and/or comparable tools are not available from U.S. manufacturers or suppliers. Special issue licenses are granted for a limited time period and for a specified number of machines, on a product-by-product basis.

We have received a request for 400-450 units of cast iron frames for machining centers from Taiwan without numerical controls for the life of the voluntary restraint agreement (VRA). Because the first six-month period of the program has already elapsed, the Department will consider the request on a prorated basis, i.e., 300-337 machines for the remainder of the VRA, 100-112 machines per period. Also requested for the second VRA period, July 1, 1992, through December 31, 1992, are 50 machining centers without numerical controls. The Department will analyze this request on a six-month basis.

The Department of Commerce therefore affords the opportunity for public comment on this request, in particular regarding the domestic availability of the items described above, and any effects that the proposed additional imports of these items would have upon domestic machine tool manufacturers.

Any person who submits information may designate that information, or any part thereof, as proprietary, thereby requesting that the Secretary treat that information as proprietary. Information that the Secretary designates as proprietary will not be disclosed to any

person (other than officers or employees of the United States Government who are directly concerned with the special issue license determination) without the consent of the submitter unless disclosure is ordered by a court of competent jurisdiction. Each submission of proprietary information shall be accompanied by a full public summary or approximated presentation of all proprietary information which will be placed in the public record.

Interested parties wishing to comment upon this review must send written comments not later than July 6, 1992, to the Secretary of Commerce, Attention: Import Administration, room 7866, U.S. Department of Commerce, Pennsylvania Avenue and 14th Street NW., Washington, DC 20230. Interested parties may file replies to any comments submitted. All replies must be filed not later than July 10, 1992. All documents submitted to the Secretary shall be accompanied by four copies.

The public record concerning this request will be maintained in the International Trade Administration's Central Records Unit, Room B099, Import Administration, U.S. Department of Commerce, Washington, DC, 20230. The records in this facility may be inspected and copied in accordance with regulations published in part 4 of title of the Code of Federal Regulations.

Alan M. Dunn,

Assistant Secretary for Import Administration.

[FR Doc. 92-15827 Filed 7-1-92; 12:29 pm]

BILLING CODE 3510-DS-M

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Thursday, July 2, 1992

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LIST OF PUBLIC LAWS

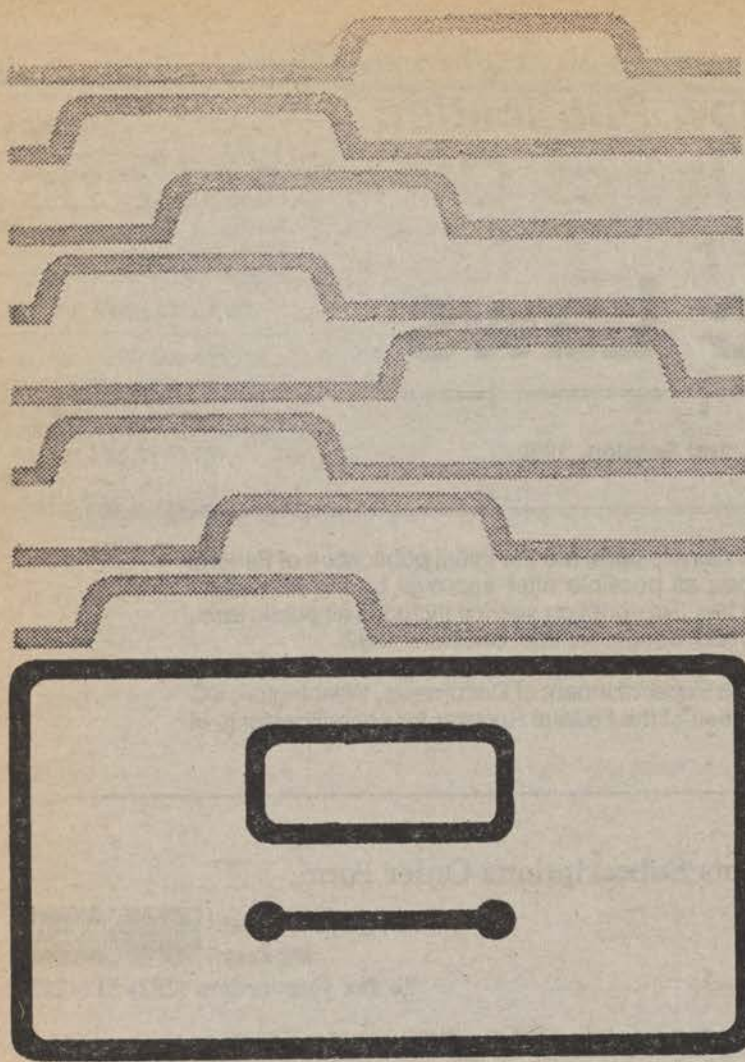
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Last List July 1, 1992

102d Congress, 2nd Session, 1992

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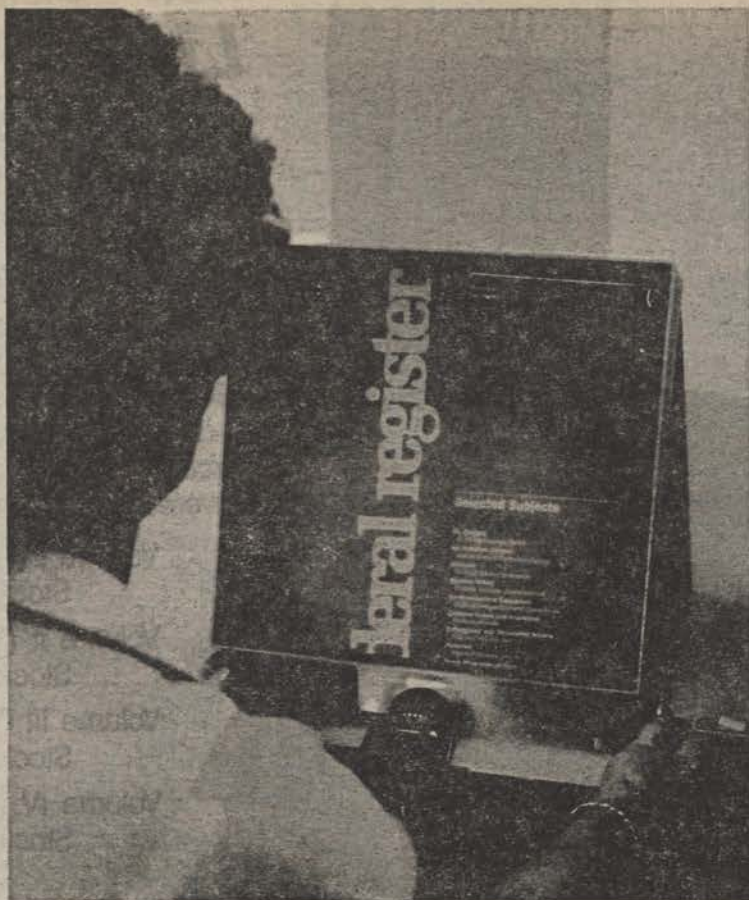
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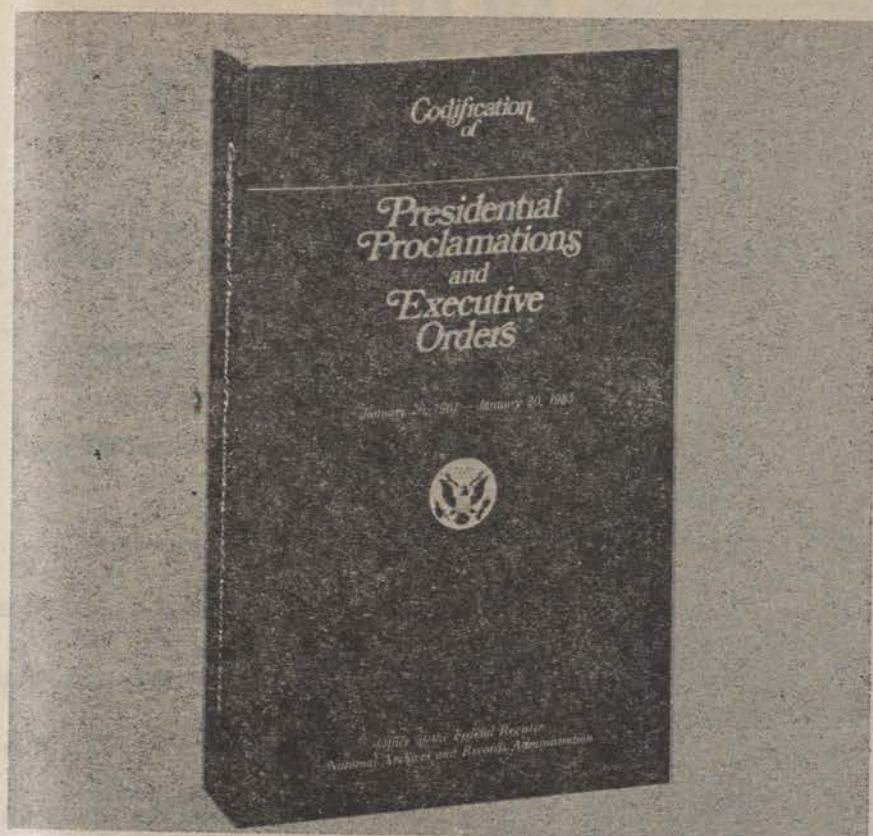
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